95TH CONGRESS : : : : 2D SESSION
JANUARY 19–OCTOBER 15, 1978

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*Corrected print.

Union Calendar No. 960

95th Congress, 2d Session - - - - - - - - - - - House Report No. 95-1826

ACTIVITIES

OF THE

COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

1977-1978

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
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LETTER OF SUBMITTAL

U.S. House of Representatives,
Committee on Veterans' Affairs,
Washington, D.C., January 2, 1979.

Hon. Edmund L. Henshaw,
Clerk, House of Representatives,
Washington, D.C.

Dear Mr. Henshaw: In accordance with section 118 of the Legis-
ative Reorganization Act of 1970, as amended, I submit herewith
he report of the Committee on Veterans' Affairs setting forth its
ctivities in reviewing and studying the application, administration,
nd execution of those laws, the subject matter of which is within the
urisdiction of our committee.

Sincerely,

Ray Roberts,
Chairman.

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Union Calendar No. 960

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 95-1826

ACTIVITIES OF THE COMMITTEE ON VETERANS' AFFAIRS FOR THE 95TH CONGRESS

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. ROBERTS, from the Committee on Veterans' Affairs, submitted the following

REPORT

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The House Committee on Veterans' Affairs consists of five standing subcommittees as follows:

Compensation, Pension and Insurance; Education and Training; Medical Facilities and Benefits; Housing; Cemeteries and Burial Benefits. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below are referred to such subcommittees, respectively:

Compensation, Pension and Insurance.—Compensation, pensions of all the wars of the United States, general and special, and life insurance issued by the Government on account of service in the Armed Forces.

Education and Training.—Education of veterans, vocational rehabilitation, and readjustment of servicemen to civilian life.

Medical Facilities and Benefits.—Veterans' hospitals, medical care, and treatment of veterans.

Housing.—Veterans' housing programs.

Cemeteries and Burial Benefits.—Cemeteries of the United States in which veterans of any war or conflict are or may be buried, whether in the United States or abroad, except cemeteries administered by the Secretary of the Interior.

During the 95th Congress 709 bills and resolutions were referred to the Committee. Seventy-two hearings were held and there were twenty-six meetings and mark-up sessions. Thirty-two bills were reported by the Committee and thirteen public laws were enacted.

The Veterans Administration is the largest independent agency of government. It has over 226,000 employees, more than any other agency or department except the Department of Defense. The Veterans Administration operates 172 hospitals, 16 domiciliaries, 219 outpatient clinics, and 89 nursing homes. To administer veterans' benefits throughout the Nation, the Veterans Administration maintains 58 regional offices with at least one in every State.

As of October, 1978, there were almost 30 million living veterans of all wars. The number of living World War II veterans represents the largest group, with veterans of the Vietnam Era second. There are 281 living veterans of the Spanish-American War.

Veterans together with their dependents and survivors represent nearly one-half of the population, about 100 million. It is obvious that the proper administration of veterans' benefits and programs is of continuing intense interest to an extremely large proportion of Americans.

The following is a statistical summary of VA activities as of October 1978:

Subject	October 1978	October 1977
Veteran population:		
Veterans in civil life, end of month—Total	29, 998, 000	29, 860, 000
War veterans	26, 451, 000	26, 503, 000
Vietnam era	8, 755, 000	8, 508, 000
With service in Korean conflict	540, 000	529, 000
No service in Korean conflict	8, 215, 000	7, 979, 000
Korean conflict (includes line 4)	5, 895, 000	5, 918, 000
With service in WW II	1, 203, 000	1, 215, 000
No service in WW II	4, 692, 000	4, 703, 000
World War II (includes line 7)	12, 884, 000	13, 080, 000
World War I	660, 000	741, 000
Spanish American War	(1)	(1)
Post-Vietnam era	480, 000	285, 000
Peacetime—Service between Korean conflict and Vietnam era only	3, 067, 000	3, 072, 000
Hospital care:		
Average daily patient census—Total	74, 060	76, 858
In VA hospitals	71, 562	74, 435
In non-VA hospitals	1, 494	1, 402
In State home hospitals	1, 004	1, 021
Patients treated during month	171, 374	172, 776
Patients treated past 12 mo	1, 266, 651	1, 249, 011
Operating beds, end of month (VA hospitals)	90, 154	91, 754
Nursing care:		
Average daily nursing care census (VA, community and State facilities)	20, 957	20, 067
Patients treated during month	29, 556	22, 908
Patients treated past 12 mo	47, 741	45, 307
Domiciliary care:		
Average daily member census (VA and State homes)	13, 814	14, 109
Patients treated during month	15, 879	16, 344
Patients treated past 12 mo	27, 772	28, 455
Outpatient care:		
Visits during month	1, 418, 139	1, 452, 396
Outpatient treatment (service connected)	486, 686	504, 787
Outpatient treatment (nonservice connected)	630, 053	654, 000
Applications for hospitalization	191, 706	185, 566
Other	109, 694	108, 043
National cemeteries:		
Interments during month	3, 014	2, 931
Total interments, cumulative	1, 454, 853	1, 418, 015
Headstones/markers:		
Applications received during month	22, 691	17, 741
Orders issued past 12 mo	229, 755	224, 99
Vocational rehabilitation:		
Veterans who have taken training, cumulative since Mar. 24, 1943	822, 241	812, 53
Veterans in training, end of month	15, 994	17, 26
Children's educational assistance:		
Applications received during month	4, 718	4, 69
Beneficiaries who have taken training, cumulative	337, 764	314, 62
Beneficiaries in training, end of month	51, 914	54, 35
Spouses' and widow(er)s' educational assistance:		
Applications received during month	790	78
Beneficiaries who have taken training, cumulative	51, 774	46, 58
Beneficiaries in training, end of month	11, 069	11, 61
Post-Korean educational assistance—Total:		
Applications received during month	35, 474	37, 61
Beneficiaries who have taken training, cumulative	7, 312, 692	7, 066, 0
Beneficiaries in training, end of month	769, 192	967, 64
Post-Korean educational assistance—Servicemen:[2]		
Applications received during month	5, 170	5, 13
Beneficiaries who have taken training, cumulative	756, 297	768, 87
Beneficiaries in training, end of month	41, 860	52, 9
Disability compensation and pension—Total:		
Active cases (running awards), end of month	3, 281, 378	3, 281, 4
Compensation (service connected)[3]	2, 254, 921	2, 247, 3
Pension (non-service connected)[4]	1, 026, 457	1, 034, 1
Disability compensation and pension—Vietnam era:		
Active cases (running awards), end of month[5]	533, 064	510, 9
Compensation (service connected)	518, 641	498, 53
Pension (non-service connected)	14, 423	12, 4
Death compensation and pension—Total:		
Active cases (running awards), end of month	1, 627, 136	1, 638, 3
Compensation (service connected)	361, 193	364, 4
Pension (non-service connected)[6]	1, 265, 943	1, 273, 8
Death compensation and pension—Vietnam era:		
Active cases (running awards), end of month[7]	92, 893	87, 2
Compensation (service connected)	62, 639	60, 8
Pension (non-service connected)	30, 254	26, 3

See footnotes at end of table.

Subject	October 1978	October 1977
U.S. Government Life Insurance—WWI:		
Policies in force, end of month	115, 347	124, 234
Term policies	608	775
Permanent plan policies	114, 739	123, 459
Face value of policies in force ($000), end of month	$476, 451	$516, 474
National Service Life Insurance—WW II and later:		
Policies in force, end of month	4, 667, 479	4, 754, 767
Term policies	1, 751, 109	1, 855, 346
Permanent plan policies	2, 916, 370	2, 899, 421
Face value of policies in force (thousands), end of month	$32, 274, 548	$32, 932, 634
Service disabled policies in force, end of month [8]	182, 258	176, 319
Face value of service disabled policies in force (thousands),[6] end of month	$1, 646, 924	$1, 592, 158
Paid-up additions in force, end of month [9]	958, 430	972, 754
Face value of paid-up additions in force (thousands), end of month [9]	$1, 024, 240	$860, 050
Servicemen's Group Life Insurance:		
Estimated number of servicemen insured, end of month	2, 305, 000	2, 317, 000
Estimated number of reservists insured, end of month	834, 900	882, 000
Estimated number of reservists insured (duty only), end of month [10]	17, 100	17, 400
Estimated amount of servicemen's insurance (thousands), end of month	$46, 082, 000	$46, 313, 000
Estimated amount of reservists' insurance (thousands), end of month	$16, 590, 000	$17, 488, 000
Estimated amount of reservists' (duty only) insurance (thousands), end of month [10]	$28, 500	$29, 000
Veterans' Group Life Insurance:		
Estimated number of veterans insured, end of month [11]	431, 432	354, 363
Estimated amount of insurance (thousands), end of month [13]	$8, 379, 036	$6, 797, 065
Housing aid to paraplegics—All wars:		
Final housing plans approved for grants, cumulative	15, 922	15, 325
Amount of grants approved for payment, cumulative	$206, 750, 815	$192, 137, 681
Guaranty of loans—WW II, Korean, an post-Korean: [12]		
Applications received for guaranty or insurance during month	42, 335	39, 508
Loans guaranteed or insured, cumulative	10, 277, 424	9, 905, 388
Amount of loans guaranteed or insured (thousands), cumulative	$155, 685, 196	$141, 012, 022
Amount of guaranty and insurance on loans (thousands), cumulative	$76, 641, 993	$70, 553, 879
Number of loans paid in full, cumulative	5, 955, 097	5, 615, 730
Number of claims paid, cumulative	382, 155	368, 313
Guaranty of loans—Post-Korean—Total:		
Loans guaranteed or insured, cumulative	2, 995, 042	2, 690, 722
Amount of loans guaranteed or insured (thousands), cumulative	$77, 037, 976	$65, 222, 139
Amount of guaranty or insurance on loans (thousands), cumulative	$36, 591, 065	$31, 655, 306
Guaranty of loans—Post Korean—Servicemen:		
Loans guaranteed or insured, cumulative	329, 947	282, 977
Amount of loans guaranteed or insured (thousands) cumlulative	$9, 687, 295	$7, 832, 112
Amount of guaranty or insurance on loans (thousands) cumulative	$4, 328, 802	$3, 552, 765
Direct loans—WWII, Korean, and post-Korean:		
Loans closed and fully disbursed, cumulative	330, 584	328, 757
Amount of loans fully disbursed (thousands), cumulative	$3, 368, 519	$3, 321, 419
Direct loans—Post-Korean:		
Loans closed and fully disbursed, cumulative	23, 626	23, 405
Amount of loans fully disbursed (thousands), cumulative	$329, 234	$323, 553
Direct loans—Post-Korean—Servicemen:		
Loans closed and fully disbursed, cumulative [14]	2, 054	1, 982
Amount of loans fully disbursed (thousands), cumulative	$34, 134	$32, 168
Mobile home loans:		
Applications received for guaranty or insurance during month	452	488
Loans guaranteed or insured, cumulative	27, 137	22, 913
Amount of loans guaranteed or insured (thousands), cumulative	$282, 158	$223, 719
Amount of guaranty or insurance on loans (thousands), cumulafive	$104, 392	$75, 288
Veterans assistance:		
Personal interviews during month	109, 152	327, 173
Telephone actions during month	1, 269, 267	1, 951, 007

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[1] Data have been revised from previous statistical summaries to show post-Vietnam era veterans (service only after May 7, 1975).

Note: The number of Spanish-American War Veterans for October 1978 was 281; for September 1978, 295; and for October 1977, 415.

Note: Jan. 31, 1955 to Aug. 5, 1964. Excludes persons who served on active duty for training only.

[2] Included in Post-Korean Educational Assistance.

[3] Includes retired emergency and retired reserve officers.

[4] Includes special act cases.

[5] Included in Disability Compensation and Pension.

[6] Included in Death Compensation and Pension.

[7] Included in Policies in Force, end of month, Term Policies, and Permanent Plan Policies.

[8] Included in Face Value of Policies in force.

[9] Not included in National Service Life Insurance. WW II and later.

[10] Duty only applies to inactive reservists.

[11] Reporting for this program initiated September 1975.

[12] Does not include Mobile Home Loans.

[13] Included in Guaranty of Loans—Post-Korean.

[14] Included in Direct Loans—Post-Koren.

Budget Authority and Outlays for Veterans' Benefits and Services Contained in Budget Resolution for Fiscal Year 1979

In compliance with the Congressional Budget Act of 1974, the Committee on Veterans Affairs submitted its report to the Committee on the Budget, recommending a funding level of approximately $21.4 billion in both budget authority and outlays for FY 1979. The House Budget Committee, however, reduced the budget authority for veterans' programs to $20.7 billion and outlays $20.4 billion. Subsequently, an amendment offered on the floor of the House by Chairman Roberts, increased the budget authority to $21.7 billion and outlays to $21.3 billion. A conference ultimately agreed on $21.2 billion in budget authority and $20.8 billion in outlays. These finally approved amounts in the budget resolution were sufficient to accommodate a number of legislative initiatives including pension reform, cost-of-living compensation, pension, and DIC rate increases, and other improved veterans' new entitlement initiatives discussed later in this report. During the first session of the 95th Congress, the budget authority approved for veterans programs was $20.250 billion and $20.2 billion for outlays to provide for cost of living increases in both compensation and pension programs and a number of initiatives to improve and refine several existing programs.

VETERANS ADMINISTRATION APPROPRIATIONS

There follows a chart prepared by the Veterans Administration showing a comparison of appropriations and estimates for the FY 1979 budget, with previous years:

VETERANS' ADMINISTRATION—COMPARISON OF APPROPRIATIONS AND ESTIMATES, FISCAL YEAR 1979 BUDGET

	1975 appropriation [1]	1976 appropriation [1]	19TQ appropriation [1]	1977 appropriation [1]	1978 appropriation [1]	Fiscal year 1979 estimate submitted by Department and staff officers [2]	Fiscal year 1979 VA estimate submitted to Office of Management and budget [2]	1979 budget estimate [2]
Compensation and pensions	7,539,400,000	8,249,200,000	2,139,700,000	8,741,850,000	9,116,800,000	9,577,300,000	9,577,300,000	9,577,300,000
Readjustment benefits	4,550,738,000	6,014,475,000	1,159,472,000	4,224,550,000	2,665,225,000	3,474,543,000	3,471,002,000	2,193,300,000
Veterans insurance and indemnities	8,750,000	6,600,000	2,450,000	7,000,000	2,465,000	5,750,000	5,750,000	5,750,000
Medical care	3,317,520,000	3,854,456,000	1,015,070,000	4,373,807,000	4,721,686,000	5,879,498,000	5,391,733,000	5,279,699,000
Medical and prosthetic research	91,377,000	97,309,000	25,527,000	104,533,000	107,000,000	162,686,000	122,847,000	112,667,000
Medical administration and miscellaneous operating expenses	37,508,000	38,528,000	10,230,000	39,941,000	42,000,000	52,253,000	49,990,000	47,855,000
General operating expenses	432,028,000	483,300,000	121,230,000	525,633,000	550,000,000	654,082,000	643,648,000	622,074,000
Construction, major projects	251,127,000	297,464,000	15,860,000	405,681,000	393,689,000	385,663,000	213,800,000	295,855,000
Construction, minor projects	51,894,000	106,426,000	16,490,000	92,791,000	94,106,000	187,712,000	166,343,000	121,147,000
Grants for construction of State extended care facilities	9,700,000	10,000,000		10,000,000	15,000,000	10,000,000	5,000,000	5,000,000
Grants to the Republic of the Philippines	2,050,000	2,100,000	525,000	2,100,000	1,700,000	1,700,000		
Assistance for health manpower training institutions	10,000,000	30,000,000	8,332,000	45,045,000	49,458,000	75,000,000	47,437,000	75,000,000
Payment of participation sales insufficiencies	1,828,000							
Vocational rehabilitation revolving fund	97,000	100,000						
Supply fund		110,000,000			20,000,000	10,000,000	5,000,000	
Total	16,304,017,000	19,299,958,000	4,514,886,000	18,572,931,000	17,779,129,000	20,476,187,000	19,699,850,000	18,335,647,000

[1] Includes supplementals.

[2] Excludes proposed legislation.

The following information and statistics were prepared and submitted to the Committee by the agency and are included to indicate the magnitude of the programs and services over which this Committee has jurisdiction.

COMPENSATION AND PENSIONS

[Dollar amounts in thousands]

	1977	1978	1979	Change
Costs and budget authority:				
Compensation	$5,745,896	$6,155,982	$6,167,543	+$11,552
Pensions	3,126,579	3,285,556	3,232,400	−53,156
Other related benefits	164,940	172,856	177,366	+4,510
Total costs	9,037,415	9,614,394	9,577,300	−37,094
Change in unobligated balance and miscellaneous adjustments	−54,915	−7,994		+7,994
Budget authority	8,982,500	9,606,400	9,577,300	−29,100
Transferred from readjustment benefits	(588,450)			
Compensation cost and caseloads:				
Costs:				
Veterans	4,700,497	5,040,110	5,048,165	+8,055
Survivors	1,045,399	1,115,872	1,119,369	+3,497
Total	5,745,896	6,155,982	6,167,534	+11,552
Caseloads:				
Veterans	2,241,105	2,249,405	2,250,005	+600
Survivors	365,843	364,310	363,515	−795
Total	2,606,948	2,613,715	2,613,520	−195
Pension costs and caseloads:				
Costs:				
Veterans	1,838,462	1,917,421	1,866,500	−50,921
Survivors	1,288,117	1,368,135	1,365,900	−2,235
Total	3,126,579	3,285,556	3,232,400	−53,156
Caseloads:				
Veterans	1,017,162	1,024,085	1,015,265	−8,820
Survivors	1,269,893	1,280,407	1,293,735	+13,328
Total	2,287,055	2,304,492	2,309,000	+4,508
Other veterans benefit costs:				
Burial benefits:				
Burial allowance	80,034	82,530	83,634	+1,104
Burial plot	40,589	42,189	42,920	+731
Service-connected deaths	7,059	7,875	8,640	+765
Burial flags	4,319	4,720	5,054	+334
Headstone/markers	9,731	10,415	11,164	+749
Total	141,732	147,729	151,412	+3,683
All other benefits:				
Retired officers	1,404	1,250	1,170	−80
Adjusted service and dep. pay	10	10	10	
Special allow. dep	841	801	750	−51
Invalid lifts and devices	6,631	7,448	8,238	+790
Tort claim settlements				
Mortgage insurance	2,100	2,472	2,664	+192
Clothing allowance	11,471	12,545	12,809	+264
Veterans group life insurance	744	600	312	−288
Soldiers and sailors civil relief	7	1	1	
Total	23,208	25,127	25,954	+827
Other total	164,940	172,856	177,366	+4,510

COMPENSATION AND PENSIONS—SUMMARY OF REQUIREMENTS

[Total cost in thousands of dollars]

	Fiscal year 1977			Fiscal year 1978			Fiscal year 1979		
	Average cases	Average cost	Total cost	Average cases	Average cost	Total cost	Average cases	Average cost	Total cost
Total costs			$9, 037, 415			$9, 614, 394			$9, 577, 300
Compensation—total	2, 606, 948	$2, 204	5, 745, 896	2, 613, 715	$2, 355	6, 155, 982	2, 613, 520	$2, 360	6, 167, 534
Veterans—total	2, 241, 105	2, 097	4, 700, 497	2, 249, 405	2, 241	5, 040, 110	2, 250, 005	2, 244	5, 048, 165
Spanish-American War	4	6, 246	25	3	6, 333	19	3	6, 333	19
Mexican Border period	9	9, 601	86	7	8, 071	56	7	8, 071	56
World War I	45, 706	2, 690	122, 932	41, 000	2, 915	119, 521	36, 200	2, 920	105, 693
World War II	1, 271, 442	1, 957	2, 488, 564	1, 251, 000	2, 087	2, 611, 400	1, 225, 100	2, 089	2, 558, 640
Korean conflict	239, 385	2, 368	566, 829	239, 200	2, 521	603, 099	239, 000	2, 522	602, 830
Vietnam era	482, 836	2, 167	1, 046, 174	506, 800	2, 325	1, 178, 221	534, 100	2, 326	1, 242, 384
Peacetime service	201, 723	2, 359	475, 887	211, 395	2, 497	527, 794	215, 595	2, 498	538, 543
Survivors—total	365, 843	2, 858	1, 045, 399	364, 310	3, 063	1, 115, 872	363, 515	3, 079	1, 119, 369
Indian Wars	1	3, 161	3	1	3, 161	3	1	3, 161	3
Civil War	7	2, 634	18	4	2, 795	11	2	2, 795	6
Spanish-American War	199	3, 299	657	165	3, 642	601	145	3, 662	531
Mexican Border period	3	3, 535	11	3	3, 535	11	2	3, 535	7
World War I	33, 570	3, 333	111, 894	32, 400	3, 532	114, 433	31, 400	3, 538	111, 105
World War II	185, 183	2, 453	454, 179	180, 837	2, 623	474, 418	177, 175	2, 629	465, 781
Korean conflict	39, 289	2, 753	108, 147	39, 300	2, 936	115, 398	39, 320	2, 943	115, 707
Vietnam era	59, 564	3, 450	205, 517	63, 100	3, 732	235, 475	66, 570	3, 738	248, 856
Peacetime service	48, 027	3, 435	164, 973	48, 500	3, 619	175, 522	48, 900	3, 627	177, 373
Pensions—total	2, 287, 055	1, 367	3, 126, 579	2, 304, 492	1, 426	3, 285, 556	2, 309, 000	1, 400	3, 232, 400
Veterans—total	1, 017, 162	1, 807	1, 838, 462	1, 024, 085	1, 872	1, 917, 421	1, 015, 265	1, 838	1, 866, 500
Spanish-American War	508	2, 328	1, 183	344	2, 398	825	255	2, 396	611
Mexican Border period	312	1, 775	554	253	1, 826	462	205	1, 820	373
World War I	294, 055	1, 750	514, 451	252, 714	1, 802	455, 381	206, 800	1, 801	372, 373
World War II	645, 208	1, 803	1, 163, 146	683, 042	1, 864	1, 272, 983	715, 978	1, 811	1, 296, 599
Korean conflict	66, 219	2, 038	134, 936	75, 136	2, 113	158, 740	77, 200	2, 105	162, 500
Vietnam era	10, 827	2, 234	24, 187	12, 567	2, 310	29, 025	14, 800	2, 300	34, 040
Peacetime service	33	164	5	29	164	5	27	164	4
Survivors—Total	1, 269, 893	1, 014	1, 288, 117	1, 280, 407	1, 069	1, 368, 135	1, 293, 735	1, 056	1, 365, 900

COMPENSATION AND PENSIONS—SUMMARY OF REQUIREMENTS—Continued

[Total cost in thousands of dollars]

	Fiscal year 1977			Fiscal year 1978			Fiscal year 1979		
	Average cases	Average cost	Total cost	Average cases	Average cost	Total cost	Average cases	Average cost	Total cost
Indian Wars	61	1, 185	72	51	1, 196	61	41	1, 195	49
Civil War	298	1, 088	324	261	1, 111	290	215	1, 102	237
Spanish-American War	19, 790	1, 115	22, 060	16, 956	1, 128	19, 130	15, 300	1, 125	17, 213
Mexican Border period	588	762	448	602	779	469	608	776	472
World War I	555, 528	847	470, 295	536, 509	886	475, 368	517, 000	886	458, 060
World War II	563, 411	1, 114	627, 883	583, 923	1, 167	681, 530	609, 264	1, 127	686, 753
Korean conflict	106, 432	1, 273	135, 447	113, 881	1, 335	152, 020	119, 800	1, 330	159, 334
Vietnam era	23, 767	1, 329	31, 586	28, 216	1, 392	39, 265	31, 500	1, 390	43, 780
Peacetime service	8	259	2	8	259	2	7	259	2
Other—total			164, 940			172, 856			177, 366
Burial Benefits—total			141, 732			147, 729			151, 412
Burial allowance	313, 223	256	80, 034	315, 000	262	82, 530	318, 000	263	83, 634
Burial plot	285, 549	142	40, 589	287, 000	147	42, 189	290, 000	148	42, 920
Service-connected deaths	11, 348	622	7, 059	12, 500	630	7, 875	13, 500	640	8, 640
Burial flags	279, 645	15	4, 319	281, 800	17	4, 720	284, 100	18	5, 054
Headstones/markers	230, 520	42	9, 731	236, 700	44	10, 415	242, 700	46	11, 164
All other—total			23, 208			25, 127			25, 954
Retired officers	290	4, 843	1, 404	250	5, 000	1, 250	225	5, 200	1, 170
Adjusted service and dep. pay			10			10			10
Special allowance dep			841			801			750
Invalid lifts and devices	48, 485	137	6, 631	48, 600	153	7, 448	48, 800	169	8, 238
Tort claims settlements									
Mortgage insurance			2, 100			2, 472			2, 664
Clothing allowance	60, 375	190	11, 471	61, 800	203	12, 545	63, 100	203	12, 809
VGLI			744			600			312
Soldiers' and sailors' civil relief			7			1			1

READJUSTMENT BENEFITS

[Dollar amounts in thousands]

	1977	1978	1979	Change
Costs and budget authority:				
Education and training	$3,769,405	$3,042,740	$2,641,111	−$401,629
Special assistance to disabled veterans	128,258	148,451	147,092	−1,359
Total cost	3,897,663	3,191,191	2,788,203	−402,988
Change in unobligated balances and other adjustments	+86,237	−543,166	−669,203	−126,037
Budget authority	3,983,900	2,648,025	2,119,000	−529,025
Education and training costs:				
Post-Korean conflict veterans	3,475,348	2,736,125	2,353,157	−382,968
Post-Vietnam conflict veterans		102	1,400	+1,298
Servicepersons	90,896	78,044	65,766	−12,278
Sons and daughters	169,837	189,639	178,265	−11,374
Wives and widows	32,324	38,725	41,329	+2,604
Payment to the education loan fund (acceleration of benefits)		105	1,194	+1,089
Total costs	3,769,405	3,042,740	2,641,111	−401,629
Number of trainees:				
Post-Korean conflict veterans	1,752,183	1,296,950	1,108,630	−188,320
Post-Vietnam conflict veterans		150	2,170	+2,020
Servicepersons	185,691	150,000	126,400	−23,600
Sons and daughters	88,158	91,700	86,200	−5,500
Wives and widows	19,470	22,300	23,800	+1,500
Vocational rehabilitation	33,231	34,200	34,800	+600
Total trainees	2,078,733	1,595,300	1,382,000	−213,300
Special assistance to disabled veterans costs:				
Vocational rehabilitation	100,696	111,310	114,040	+2,730
Housing grants	14,255	22,300	21,750	−550
Autos and other conveyances	13,307	14,841	11,302	−3,539
Total costs	128,258	148,451	147,092	−1,359

HOUSING CREDIT ASSISTANCE PROGRAMS

LOAN GUARANTY REVOLVING FUND

[Dollar amounts in thousands]

	1977	1978	1979	Change
Guaranteed and insured loans closed	377,701	380,000	370,000	−10,000
Direct loans sold with a guaranty	5,462	2,000	2,000	
Total guaranteed or insured loans	383,163	382,000	372,000	−10,000
Obligations, receipts, and budget authority:				
Obligations:				
Claims paid and real property acquisitions	$366,044	$387,962	$421,559	+$33,597
All other	154,764	159,605	156,763	−2,842
Total obligations	520,808	547,567	578,322	+30,755
Receipts:				
Sale of loans	−289,547	−272,000	−311,100	−39,100
All other	−228,565	−224,012	−240,114	−16,102
Total receipts	−518,112	−496,012	−551,214	−55,202
Change in unobligated balances	−2,696	−51,555	−27,108	+24,447
Budget authority				
Outlays:				
Total obligations	520,808	547,567	578,322	+30,755
Total receipts	−518,112	−496,012	−551,214	−55,202
Change in obligated balance	−2,036	+2,445	−108	−2,553
Outlays	660	54,000	27,000	−27,000

DIRECT LOAN REVOLVING FUND

	1977	1978	1979	Change
Direct loans approved	2,719	2,540	2,540	

DIRECT LOAN REVOLVING FUND

[Dollar amounts in thousands]

	1977	1978	1979	Change
Direct loans approved	2,719	2,540	2,540	
Obligations, receipts, and budget authority:				
Obligations:				
Direct loans to veterans	$65,529	$72,910	$76,745	+$3,835
All other	35,095	34,994	31,703	−3,291
Total obligations	100,624	107,904	108,448	+544
Receipts:				
Sale of loans	−106,279	−54,200	−59,600	−5,400
All other	−144,354	−130,184	−123,357	+6,827
Total receipts	−250,633	−184,384	−182,957	+1,427
Change in unobligated balances	+150,009	+76,480	+74,509	−1,971
Budget authority				
Outlays:				
Total obligations	100,624	107,904	108,448	+544
Total receipts	−250,633	−184,384	−182,957	+1,427
Change in obligated balances	+11,286	+1,480	+1,509	+29
Outlays	−138,723	−75,000	−73,000	+2,000

INSURANCE PROGRAMS

VETERANS INSURANCE AND INDEMNITIES (VI&I)

This program provides payments to the USGLI and NSLI trust funds on claims for death and total disability traceable to the extra hazards of service and waiver of premiums while in service.

Payments are made to policyholders of war-risk insurance issued to veterans of World War I who are permanently and totally disabled. Payments are also made on non-participating policies issued to World War II veterans with service-connected disabilities.

Payments to the Service-disabled veterans insurance fund to supplement the premium and other receipts of the fund in amounts necessary to pay claims on policies issued to veterans with service-connected disabilities.

COSTS AND BUDGET AUTHORITY

[In thousands]

	1977	1978	1979	Change
Total costs (obligations)	$8,632	$3,746	$6,504	+$2,758
Receipts and reimbursements	−736	−766	−730	+36
Change in unobligated balances	−896	−515	−24	+491
Budget authority	7,000	2,465	5,750	+3,285

The decrease of $4.5 million in budget authority in 1978 is due to a decrease in payments to the Service-disabled veterans insurance fund.

SERVICE DISABLED VETERANS INSURANCE (SDVI)

The SDVI revolving fund is the only one remaining open to new issues and was designed to assure that qualifying service disabled veterans, who were separated from service on or after April 25, 1951, could obtain life insurance at standard rates.

Since the fund insures medically sub-standard lives at standard premium rates, it is not self-sustaining. Periodic transfers from the Veterans Insurance and Indemnities appropriation are required to meet current expenditures.

COSTS AND REVENUE

[Dollar amounts in thousands]

	1977	1978	1979	Change
Number of policies in force, EOY	175,7[illegible]	180,900	185,100	+4,200
Amount of insurance in force, EOY	$1,587,0[illegible]	$1,633,000	$1,671,000	+$38,000
Program:				
Death claims	$17,842	$18,841	$19,600	+$759
Other obligations	6,522	6,663	7,240	+577
Total costs (obligations)	24,364	25,504	26,840	+1,336
Receipts:				
Premiums earned	16,863	17,599	18,900	+1,301
Payment from "Veterans insurance and indemnity"	4,700	100	3,000	+2,900
Receipts and other revenue	4,514	4,322	4,840	+518
Total revenue and other receipts	26,077	22,021	26,740	+4,719
Unobligated balance, EOY	6,502	3,019	2,919	−100

VETERANS REOPENED INSURANCE (VRI)

The Veterans Reopened Insurance revolving fund was established to finance the reopening of National Service Life Insurance for one year for certain disabled veterans of World War II and the Korean Conflict. Cost for administration of the program is borne by the insured.

COSTS AND REVENUE

[Dollar amounts in thousands]

	1977	1978	1979	Change
Number of policies in force, EOY	176,642	173,600	170,400	−3,200
Amount of insurance in force, EOY	$1,229,804	$1,209,000	$1,186,000	−$23,000
Program:				
Death claims	$13,515	$14,082	$14,900	+$818
Other obligations	11,096	12,797	15,500	+2,703
Total costs (obligations)	24,611	26,879	30,400	+3,521
Receipts:				
Premiums earned	20,312	20,053	19,442	−611
Receipts and other refenue	32,443	32,774	36,008	+3,234
Total revenue and other receipts	52,755	52,827	55,450	+2,623
Unobligated balance, EOY	386,568	412,536	437,586	+25,050

SERVICEMEN'S GROUP LIFE INSURANCE (SGLI)

This fund was established in September 1965 to provide insurance coverage for members on active duty in the uniformed services up to a maximum of $20,000. This program is supervised by the VA, but is administered by the Prudential Insurance Company of America as primary insurer. The fund provides for the payment of group life insurance premiums to private insurance companies under the Servicemen's Group Life Insruance act, and any expenses incurred by the VA in administration of the Act.

COSTS AND REVENUE

[Dollar amounts in thousands]

	1977	1978	1979	Change
Number of policies in force, EOY	3, 241, 318	3, 207, 800	3, 203, 500	−4, 300
Amount of insurance in force, EOY	$64, 311, 680	$63, 599, 000	$63, 517, 000	−$82, 000
Program:				
Premium payments to insurer	$117, 643	$115, 668	$115, 750	+$82
Other obligations	446	332	250	−82
Total costs (obligations)	118, 089	116, 000	116, 000	
Receipts:				
Withholdings from service pay	118, 089	116, 000	116, 000	
Total revenue and other receipts	118, 089	116, 000	116, 000	
Unobligated balance, EOY				

NATIONAL SERVICE LIFE INSURANCE (NSLI)

The NSLI trust fund was established in 1940 to serve the insurance needs of World War II service personnel. Issuance of new policies ended in 1951. It is sustained through premium collections and interest on investments.

COSTS AND REVENUE

[Dollar amounts in millions]

	1977	1978	1979	Change
Number of policies in force, EOY	3, 826, 496	3, 746, 000	3, 667, 000	−79, 000
Amount of insurance in force, EOY	$25, 920, 065	$25, 542, 000	$25, 176, 000	−$366, 000
Program:				
Death claims	$411, 983	$418, 000	$430, 000	+$12, 000
Dividends	363, 142	345, 000	395, 000	+50, 000
Other obligations	222, 251	212, 960	210, 500	−2, 460
Total costs (obligations)	997, 376	975, 960	1, 035, 500	+59, 540
Revenue:				
Premiums earned	478, 053	500, 000	462, 000	−38, 000
Interest on investments	432, 654	470, 000	500, 000	+30, 000
Payment from "Veterans insurance and indemnity"	2, 114	1, 900	1, 800	−100
Offsetting collections	282, 833	266, 500	265, 960	−520
Total revenue	1, 195, 654	1, 238, 400	1, 229, 780	−8, 620
Unobligated balance, EOY	7, 127, 409	7, 389, 849	7, 584, 129	+194, 280

Note: Dividends that normally would have been paid in the 1st 3 mo of fiscal year 1978 were accelerated and paid in fiscal year 1977.

U.S. Government Life Insurance (USGLI)

The USGLI trust fund was established in 1919 to facilitate the
ancing of the World War I (War Risk) insurance program and is the
est government administered program.

COSTS AND REVENUE

[Dollar amounts in millions]

	1977	1978	1979	Change
er of policies in force, EOY	124, 849	113, 200	103, 500	−9, 700
nt of insurance in force, EOY	$519, 392	$475, 000	$434, 000	−$41, 000
m:				
eath claims	$49, 213	$48, 941	$47, 315	−$1, 626
vidends	23, 010	16, 036	22, 000	+5, 964
her obligations	14, 540	13, 764	12, 885	−879
Total costs (obligations)	86, 763	78, 741	82, 200	+3, 459
e:				
emiums earned	5, 608	5, 233	4, 928	−305
erest on investments	31, 761	32, 716	31, 205	−1, 511
yment from "Veterans insurance and indemnity"	33	34	32	−2
setting collections	15, 160	14, 715	13, 505	−1, 210
otal revenue	52, 262	52, 698	49, 670	−3, 028
ated balance, EOY	503, 240	477, 197	444, 667	−32, 530

Veterans Special Life Insurance (VSLI)

e VSLI trust fund was made available for the payment of claims
e insurance program authorized for insurable veterans who served
e Armed Forces after April 1951 and up to January 1, 1957. The
am is closed to new issues.

COSTS AND REVENUE

[Dollar amounts in thousands]

	1977	1978	1979	Change
f policies in force, EOY	577, 579	569, 600	552, 500	−17, 100
f insurance in force, EOY	$5, 060, 952	$4, 997, 076	$4, 855, 980	−$141, 096
claims	$18, 047	$19, 734	$21, 000	+$1, 266
ends	12, 071	12, 422	19, 400	+6, 978
obligations	12, 859	11, 594	24, 800	+13, 206
l costs (obligations)	42, 977	43, 750	65, 200	+21, 450
ums earned	48, 208	53, 464	53, 800	+336
st and other receipts	38, 807	40, 816	44, 400	+3, 584
l revenue	87, 015	94, 280	98, 200	+3, 920
l balance, EOY	517, 462	567, 992	600, 992	+33, 000

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lic Law 93–289, approved May 24, 1974, provided for this program to be participating, thus authorizing payment
s. Policyholders began to receive annual dividend payments on Jan. 1, 1975. Dividends that normally would
aid in the 1st 3 mo of fiscal year 1978 were accelerated and paid in fiscal year 1977.

NATIONAL CEMETERY SYSTEM—LOCATION AND STATUS OF NATIONAL CEMETERY GRAVESITES, SEPTEMBER 30, 1977

National cemetery	Gravesites used	Gravesites reserved	Gravesites available [1]	Close out date [2] (fiscal year)
Alexandria, La	5, 872	164	391	1983.
Alexandria, Va	4, 053	29	0	Closed.
Alton, Ill	487	40	6	Do.
Annapolis, Md	2, 088	41	0	Do.
Balls Bluff, Va	25	0	0	Do.
Baltimore, Md	32, 757	4, 013	36	Do.
Barrancas, Fla	10, 573	634	1, 106	1988.
Bath, N.Y	8, 279	0	464	1981.
Baton Rouge, La	5, 001	64	4	Closed.
Bay Pines, Fla	4, 198	1	1	Do.
Beaufort, S.C	11, 040	189	5, 807	2000 plus.
Beverly, N.J	35, 177	4, 824	38	Closed.
Biloxi, Miss	1, 844	116	333	2000 plus.
Black Hills, S.D	5, 183	507	547	Do.
Camp Butler, Ill	7, 509	364	475	Do.
Camp Nelson, Ky	5, 495	80	25	Do.
Cave Hill, Ky	5, 621	2	14	Closed.
Chattanooga, Tenn	22, 796	661	534	2000 plus.
City Point, Va	5, 429	90	21	Closed.
Cold Harbor, Va	946	0	8	Do.
Corinth, Miss	6, 177	28	7, 277	2000 plus.
Crown Hill, Ind	795	0	0	Closed.
Culpeper, Va	3, 734	20	2	Do.
Cypress Hills, N.Y	18, 533	65	90	Do.
Danville, Ill	5, 946	0	413	1985.
Danville, Ky	393	1	2	Closed.
Danville, Va	2, 125	34	18	Do.
Dayton, Ohio	[illegible], 781	2	465	1978.
Fayetteville, Ark	4, 158	133	375	1984.
Finn's Point, N.J	2, 703	2	0	Closed.
Florence, C.S	4, 284	79	263	1982.
Fort Bayard, N. Mex	1, 760	0	846	2000 plus.
Fort Bliss, Tex	12, 851	1, 348	11, 261	Do.
Fort Gibson, Okla	6, 915	162	1, 553	Do.
Fort Harrison, Va	1, 012	2	48	Closed.
Fort Indiantown Gap, Pa	0	0	[3] 360, 000	Not yet open.
Fort Leavenworth, Kans	16, 257	681	1, 921	1982.
Fort Logan, Colo	19, 732	867	4, 589	2000 plus.
Fort Lyon, Colo	838	0	118	Do.
Fort McPherson, Nebr	3, 312	114	2, 215	Do.
Fort Meade, S.D	188	0	0	Closed.
Fort Rosecrans, Calif	41, 663	2, 691	39	Do.
Fort Sam Houston, Tex	33, 097	3, 581	2, 102	1995.
Fort Scott, Kans	2, 786	126	3, 047	2000 plus.
Fort Smith, Ark	5, 089	255	3, 385	1999.
Fort Snelling, Minn	61, 588	15, 716	10, 674	2000 plus.
Glendale, Va	1, 280	0	13	Closed.
Golden Gate, Calif	91, 642	9, 778	449	Do.
Grafton, W. Va	2, 073	53	2	Do.
Hampton, Va	20, 833	541	106	Do.
Hampton, Va (VAC)	22	0	0	Do.
Hot Springs, S. Dak	1, 481	0	1	Do.
Houston, Tex	8, 828	38	5, 287	2000 plus.
Jefferson Barracks, Mo	64, 303	2, 828	4, 151	Do.
Jefferson City, Mo	1, 545	79	14	Closed.
Keokuk, Iowa	2, 484	71	51	2000 plus.
Kerrville, Tex	460	0	0	Closed.
Knoxville, Tenn	7, 189	274	13	Do.

See footnotes at end of table.

NATIONAL CEMETERY SYSTEM—LOCATION AND STATUS OF NATIONAL CEMETERY GRAVESITES, SEPTEMBER 30, 1977—Continued

National cemetery	Gravesites used	Gravesites reserved	Gravesites available [1]	Close out date [2] (fiscal year)
Leavenworth, Kans	13,073	2	417	2000 plus.
Lebanon, Ky	1,888	36	62	1979.
Lexington, Ky	1,384	0	0	Closed.
Little Rock, Ark	14,835	382	2,554	1985.
Long Island, N.Y	223,095	14,391	5,244	1978.
Los Angeles, Calif	67,477	355	1,512	(4)
Loudon Park, Md	6,473	5	9	Closed.
Marietta, Ga	10,018	478	44	Do.
Marion, Ind	4,356	0	583	2000 plus.
Massachusetts	0	0	[3] 350,000	Not yet open.
Memphis, Tenn	27,235	689	6,019	1987.
Mill Springs, Ky	1,639	41	607	1999.
Mobile, Ala	3,557	299	3	Closed.
Mound City, Ill	6,679	84	1,122	2000 plus.
Mountain Home, Tenn	5,598	0	4,725	Do.
Nashville, Tenn	23,887	466	6,780	1996.
Natchez, Miss	4,764	67	159	1981.
New Albany, Ind	4,807	184	15	Closed.
New Bern, N.C	4,987	104	346	1981.
Pacific, Hawaii	23,479	699	3,705	1984.
Perryville, Ky	0	0	0	Closed.
Philadelphia, Pa	10,245	46	112	Do.
Port Hudson, La	6,092	37	0	Do.
Prescott, Ariz	2,915	1	0	Do.
Puerto Rico, P.R	10,298	1,486	2,998	2000 plus.
Quincy, Ill	454	2	126	1995.
Raleigh, N.C	3,336	92	1,660	1990.
Richmond, Va	7,147	308	15	Closed.
Riverside, Ca	0	0	[5] 390,000	Not yet open.
Rock Island, Ill	9,791	338	3,520	2000 plus.
Roseburg, Oreg	1,921	0	259	1980.
St. Augustine, Fla	1,124	29	0	Closed.
Salisbury, N.C	14,017	76	197	1980.
San Antonio, Tex	3,006	30	5	Closed.
San Francisco, Calif	22,135	807	7	Do.
Santa Fe, N.Mex	10,099	492	3,641	1995.
Seven Pines, Va	1,101	4	23	Closed.
Sitka, Alaska	562	2	87	1982.
Springfield, Mo	6,695	286	1,210	1984.
Staunton, Va	832	7	7	Closed.
Togus, Maine	5,371	0	0	Do.
White City, Oreg	997	0	754	2000 plus.
Willaimette, Oreg	42,727	2,600	8,962	Do.
Wilmington, N.C	4,025	76	533	1981.
Winchester, Va	5,026	47	3	Closed.
Wood, Wis	18,418	1	4,991	1986.
Woodlawn, N.Y	6,186	262	0	Closed.
Zachary Taylor, Ky	8,108	1,326	23	Do.
Total	1,313,999	78,017	1,243,679	

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[1] Includes estimated gravesties in undeveloped areas.

[2] Cemeteries indicated as "closed" will continue to make interments of eligible family members in occupied gravesites and previous reserved gravesites.

[3] Dedicated Oct. 30, 1976. Scheduled to open fiscal year 1980.

[4] Open only for inurned cremains. Columbarium with 2,958 available niches is projected to close in 1983.

[5] Dedicated Oct. 31, 1976. Scheduled to open fiscal year 1979.

[6] Dedicated June 27, 1976. Scheduled to open fiscal year 1979.

Note: Above listing of 106 national cemeteries does not include sites selected at Calverton, N.Y. and at Quantico, Va., but not yet dedicated.

HOSPITAL AND OTHER MEDICAL CARE

	1977 actual	1978		1979 estimate	Change
		Budget	Estimate		
NUMBER OF INSTALLATIONS					
VA hospitals	171	172	172	172	
VA domiciliaries	16	16	16	16	
VA nursing	89	90	91	92	+1
Outpatient clinics	219	228	228	228	
SUMMARY OF INPATIENT WORKLOADS AND WORKLOAD INDICATORS					
Medical bed sections:					
Average operating beds	44, 620	44, 818	43, 687	42, 742	−945
End point OP beds	44, 495	44, 773	43, 600	42, 610	−990
(Census)	(36, 802)	(37, 172)	(37, 096)	(35, 711)	(−1, 385)
Occupancy rate	82. 5	82. 9	84. 9	83. 6	−1. 3
Length of stay	21. 0	20. 1	19. 8	18. 9	−. 9
Patients treated	674, 884	711, 621	721, 668	727, 023	+5, 355
Surgical bed sections:					
Average operating beds	19, 751	18, 535	19, 473	19, 160	−313
End point OP beds	19, 438	18, 330	19, 179	18, 844	−335
(Census)	(15, 000)	(15, 282)	(15, 000)	(14, 494)	(−506)
Occupancy rate	75. 9	82. 4	77. 0	75. 6	−1. 4
Length of stay	16. 6	16. 0	16. 6	15. 8	−. 8
Patients treated	344, 423	363, 712	345, 394	349, 800	+4, 406
Psychiatric bed sections:					
Average operating beds	28, 168	28, 879	27, 840	27, 198	−642
End point OP beds	27, 821	28, 841	27, 521	26, 846	−675
(Census)	(23, 483)	(24, 546)	(22, 704)	(22, 180)	(−524)
Occupancy rate	83. 4	85. 0	81. 6	81. 6	
Length of stay	51. 4	48. 3	44. 8	43. 6	−1. 2
Patients treated	190, 456	210, 114	207, 632	207, 932	+300
Subtotal VA hospitals:					
Average operating beds	92, 539	92, 232	91, 000	89, 100	−1, 900
End point OP beds	91, 754	91, 944	90, 300	88, 300	−2, 000
(Census)	(75, 285)	(77, 000)	(74, 800)	(72, 385)	(−2, 415)
Occupancy rate	81. 4	83. 5	82. 2	81. 2	−1. 0
Length of stay	24. 2	23. 2	22. 8	21. 8	−1. 0
Patients treated	1, 209, 763	1, 285, 447	1, 274, 694	1, 284, 755	+10, 061
Admissions	1, 133, 380	1, 208, 447	1, 196, 627	1, 212, 170	+15, 543
VA domiciliaries:					
Average operating beds	9, 936	10, 000	9, 915	9, 630	−285
End point OP beds	9, 897	10, 000	9, 915	9, 345	−570
(Census)	(8, 933)	(9, 065)	(8, 924)	(8, 668)	(−256)
Occupancy rate	89. 9	90. 7	90. 0	90. 0	
Length of stay	402. 4	380. 0	380. 0	371. 0	−9. 0
Patients treated	18, 005	17, 767	17, 491	17, 197	−294
VA nursing homes:					
Average operating beds	7, 573	8, 106	8, 022	8, 546	+524
End point OP beds	7, 739	8, 196	8, 195	8, 897	+702
(Census)	(7, 166)	(7, 870)	(7, 621)	(8, 119)	(+498)
Occupancy rate	94. 6	97. 1	95. 0	95. 0	
Length of stay	704. 3	707. 0	707. 0	707. 0	
Patients treated	11, 317	11, 931	11, 553	12, 308	+755
Total VA facilities:					
Average operating beds	110, 048	110, 338	108, 937	107, 276	−1, 661
End point OP beds	109, 390	110, 140	108, 410	106, 542	−1, 868
(Census)	(91, 384)	(93, 935)	(91, 345)	(89, 172)	(−2, 173)
Occupany rate	83. 0	85. 1	83. 9	83. 1	−. 8
Length of stay	29. 0	28. 1	27. 5	26. 6	−. 9
Patients treated	1, 239, 085	1, 315, 145	1, 303, 738	1, 314, 260	+10, 522
Contract hospitals:					
(Census)	(1, 344)	(1, 350)	(1, 300)	(1, 200)	(−100)
Length of stay	15. 6	15. 9	15. 8	15. 8	
Patients treated	32, 516	32, 357	31, 252	28, 848	−2, 404

HOSPITAL AND OTHER MEDICAL CARE—Continued

	1977 actual	1978		1979 estimate	Change
		Budget	Estimate		
SUMMARY OF INPATIENT WORKLOADS AND WORKLOAD INDICATORS—Continued					
Community nursing homes:					
(Census)	(7, 507)	(8, 500)	(8, 500)	(8, 500)	
Length of stay	160. 7	144. 8	144. 8	144. 8	
Patients treated	25, 358	29, 920	29, 920	29, 920	
State home domiciliaries:					
(Census)	(5, 281)	(6, 195)	(5, 401)	(5, 628)	(+227)
Length of stay	380. 2	304. 0	338. 0	338. 0	
Patients treated	10, 450	13, 629	11, 234	11, 706	+472
State home nursing care:					
(Census)	(4, 606)	(5, 630)	(4, 889)	(5, 184)	(+295)
Length of stay	438. 8	380. 0	434. 5	434. 5	
Patients treated	8, 632	11, 035	8, 996	9, 539	+543
State home hospitals:					
(Census)	(1, 042)	(1, 050)	(1, 050)	(1, 050)	
Length of stay	66. 5	61. 3	61. 3	61. 3	
Patients treated	6, 732	7, 300	7, 300	7, 300	
Total Non-VA:					
(Census)	(19, 780)	(22, 725)	(21, 140)	(21, 562)	(+422)
Length of stay	114. 5	116. 0	114. 2	119. 7	+5. 5
Patients treated	83, 688	94, 241	88, 702	87, 313	−1, 389
Total, VA and Non-VA:					
(Census)	(111, 164)	(116, 660)	(112, 485)	(110, 734)	(−1, 751)
Patients treated	1, 322, 773	1, 409, 386	1, 392, 440	1, 401, 573	+9, 133
OUTPATIENT VISITS—STAFF AND FEE					
Outpatient, activity, compensation, and pension:					
Staff	337	331	338	345	+7
Fee	84	28	82	82	
Total	421	359	420	427	+7
10-10 exams:					
Staff	2, 193	2, 285	2, 263	2, 371	+108
Fee	12	2	2	2	
Total	2, 205	2, 287	2, 265	2, 373	+108
All other:					
Staff	12, 145	12, 109	12, 399	12, 449	+50
Fee	2, 185	2, 715	2, 661	2, 661	
Total	14, 330	14, 824	15, 060	15, 110	+50
Total visits:					
Staff	14, 675	14, 725	15, 000	15, 165	+165
Fee	2, 281	2, 745	2, 745	2, 745	
Total	16, 956	17, 470	17, 745	17, 910	+165
Staff and fee outpatient dental program:					
Staff exams	107, 987	102, 300	111, 600	116, 400	+4, 800
Staff treatments	100, 305	150, 300	110, 500	114, 500	+4, 000
Fee cases authorized	107, 265	97, 000	95, 900	83, 179	−12, 721
CHAMPVA workloads:					
Inpatient census	440	638	480	492	+12
Outpatient fee visits	160, 586	394, 521	182, 000	179, 000	−3, 000

SUMMARY OF COSTS BY ACTIVITY

[In thousands]

Activity	1977 actual	1978 Budget	1978 Estimate	1979 estimate	Increase(+) decrease(−)
Medical bed sections	$1, 450, 916	$1, 523, 917	$1, 621, 231	$1, 737, 896	+$116, 665
Surgical bed sections	745, 677	805, 288	853, 230	908, 218	+64, 988
Psychiatric bed sections	641, 159	680, 338	692, 385	731, 626	+39, 241
VA hospitals	2, 837, 752	3, 009, 543	3, 156, 846	3, 377, 740	+220, 894
VA domiciliaries	68, 429	72, 418	76, 693	80, 855	+41, 162
VA nursing homes	143, 547	162, 829	166, 829	186, 944	+20, 115
Outpatient care	824, 779	952, 784	982, 890	1, 051, 615	+68, 725
Miscellaneous benefits and services	82, 743	86, 189	100, 528	111, 224	+10, 696
Education and training	225, 932	247, 131	252, 677	265, 640	+12, 963
VA facilities	4, 183, 182	4, 530, 894	4, 736, 463	5, 074, 018	+337, 555
Contract hospitals	53, 755	62, 932	59, 387	59, 722	+335
State home hospitals	5, 078	4, 772	4, 843	4, 849	+6
Community nursing homes	72, 319	90, 751	90, 925	104, 448	+13, 523
State home nursing	22, 654	22, 084	19, 270	20, 410	+1, 140
State home domiciliaries	13, 392	13, 093	11, 588	12, 054	+466
CHAMPVA	25, 881	46, 400	32, 461	40, 026	+7, 565
(Inpatient)	(19, 153)	(34, 700)	(25, 774)	(31, 915)	+(6, 141)
(Outpatient)	(6, 728)	(11, 700)	(6, 687)	(8, 111)	+(1, 424)
Non-VA-facilities	193, 079	240, 032	218, 474	241, 509	23, 035
Net total, costs	4, 376, 261	4, 770, 926	4, 954, 937	5, 315, 527	+360, 590
Adjustment	26, 491				
Total obligations	4, 402, 752	4, 770, 926	4, 954, 937	5, 315, 527	+360, 590
Less reimbursements	−32, 639	−35, 000	−30, 000	−35, 828	−5, 828
Lapse	3, 694				
Budget authority	4, 373, 807	4, 735, 926	4, 924, 937	5, 279, 699	+354, 762
Supplemental included			(203, 251)		

COMPARATIVE PATIENT COST DATA

Activity	1977 actual	1978		1979 estimate	Increase (+) decrease (−)
		Budget	Estimate		
Average cost/patient day:					
Medical bed sections	$108.01	$112.32	$119.74	$133.33	+$13.59
Surgical bed sections	136.19	144.37	154.01	171.68	+17.67
Psychiatric bed sections	74.80	75.94	83.55	90.37	+6.82
Average all VA hospitals	103.27	107.08	115.63	127.85	+12.22
VA domiciliaries	20.99	21.89	23.55	25.56	+2.01
VA nursing home care	54.88	56.68	59.97	63.08	+3.11
Contract hospitalization	105.94	124.64	121.30	132.11	+10.81
Community nursing home care	25.88	28.80	28.80	33.15	+4.35
State home domiciliaries	[1] 5.50	5.50	5.50	5.50	
State home nursing care	[1] 10.50	10.50	10.50	10.50	
State home hospitalization	[1] 11.50	11.50	11.50	11.50	
Cost/patient treated:					
Medical bed sections	2,150	2,141	2,247	2,390	+143
Surgical bed sections	2,165	2,214	2,441	2,596	+155
Psychiatric bed sections	3,366	3,238	3,335	3,519	+184
Average all VA hospitals	2,346	2,341	2,477	2,629	+152
Domiciliaries	3,801	4,076	4,385	4,702	+317
VA nursing home care	12,684	13,648	14,440	15,189	+749
Contract hospitalization	1,598	1,898	1,842	2,006	+164
Community nursing home care	2,797	2,986	2,986	3,437	+451
State home domiciliaries	1,226	912	965	965	
State home nursing care	2,569	1,955	2,083	2,083	
State home hospitalization	699	604	604	604	

[1] Excludes impact of Public Law 94-581 retroactive payments. Per diems reflect statutory limitations.

CONSTRUCTION—MAJOR PROJECTS

GENERAL STATEMENT AND DETAIL OF REQUEST

A construction program of $320,554,000 is recommended, for the construction projects listed below, to be financed with new budget authority (appropriation) of $295,855,000 plus savings of $17,398,000 prior appropriated funds and $7,301,000 from the cancellation of Camden, N.J.—Replacement Hospital. As approved in Public Law 95-392, $365,560,000 was approved with the VA being directed to proceed with the planning and design of the VA hospital in Camden, New Jersey as proposed in the fiscal year 1977 budget request. In addition, the Congress made a number of changes on several project recommendations.

CONSTRUCTION, MAJOR PROJECTS

[In thousands of dollars]

Location	Description	Total estimated cost	Available through fiscal year 1978	Fiscal year 1979 request	For future consideration
A. MEDICAL PROJECTS					
Replacement and modernization:					
Portland, Oreg	Replacement hospital	150, 130	11, 030	139, 100	
Seattle, Wash	do	90, 000	9, 000	81, 000	
Subtotal		240, 130	20, 030	220, 100	
Nursing home care:					
Atlanta, Ga	120 beds	7, 144	520	6, 624	
Perry Point, Md	80 beds	2, 965	290	2, 675	
Philadelphia, Pa	120 beds and parking structures	14, 440		3, 960	10, 480
Washington, D.C	120 beds and cl. facilities and parking garage.	19, 707	963	18, 744	
Subtotal		44, 256	1, 773	32, 003	10, 480
Outpatient improvements:					
Camden, N.J	Outpatient clinic	12, 175		3, 341	8, 834
Jackson, Miss	Update regional office	5, 363	570	4, 793	
San Juan, P.R	Update RO space for OPC	6, 832	845	5, 987	
Subtotal		24, 370	1, 415	14, 121	8, 834
Other improvements: General projects: Canandaigua, N.Y.					
Other improvements: General projects: Canandaigua, N.Y.	Renovate patients building	3, 716	300	3, 416	
Medical facility improvements: Salt Lake City, Utah.	Ambulatory care addition, laboratory addition, research.	21, 473	1, 494	19, 979	
Clinical improvements: Birmingham, Ala.	Blind rehabilitation	4, 714	500	4, 214	
Elimination of Safety hazards: Murfreesboro, Tenn.	Additional exits	3, 168	240	2, 928	
Boiler plant:					
Minneapolis, Minn	Boilers	5, 307		5, 307	
Sioux Falls, S. Dak	do	2, 902		2, 902	
Subtotal		8, 209		8, 209	
Energy conservation		1, 731		1, 731	
Subtotal		1, 731		1, 731	
Correction of seismic deficiencies:					
Charleston, S.C	Correction of seismic deficiencies.	11, 424		963	10, 461
Poplar Bluff, Mo	do	2, 257		190	2, 067
Subtotal		13, 681		1, 153	12, 528
Total, other improvements		56, 692	2, 534	41, 630	12, 528
Subtotal, medical program		365, 448	25, 752	307, 854	31, 842
B. NATIONAL CEMETERY PROGRAM					
Calverton, N.Y	Develop 49 acres	2, 576		2, 576	
Indiantown Gap, Pa	Develop 100 acres	5, 595	574	5, 021	
Quantico, Va	Develop 75 acres	4, 888	488	4, 400	
Region IV	Master plans, phase 1 development	4, 038	300	353	3, 385
Region V	do	4, 000	300	350	3, 350
Subtotal		21, 097	1, 662	12, 700	6, 735
Total, construction major		386, 545	27, 414	320, 554	38, 577
Less: Savings of 17,398 to be applied from prior appropriated funds and 7,301 from cancellation of Camden, N.J.—replacement hospital				−24, 699	
Net appropriation request				295, 855	

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)

[In thousands of dollars]

Location: Description	Total estimated cost	Appropriation plan						Obligations					Unobligated appropriation end of year		
								Actual		Estimated					
		Available through 1977 in 1978 budget	Net 1978 appropriation	Adjustments	Total available through 1978	Required For 1979	For future consideration	Through Sept. 30, TQ	For 1977	For 1978	For 1979	For future	1977	1978	1979
REPLACEMENT AND MODERNIZATION															
Augusta, Ga.: Replacement hospital	43,200	57,460		−14,260	43,200			8,096	32,947	130	75	1,952	2,157	2,027	1,952
Baltimore, Md.: Replacement hospital	87,000	13,700			13,700		73,300	126	1	7,495	70	79,308	13,573	6,078	6,008
Bay Pines, Fla.: Replacement hospital	110,000	110,000			110,000			144	4,854	23,460	54,000	26,942	105,002	81,542	26,942
Boise, Idaho: Clinical support fac.	5,215	5,215			5,215			4,996	31	135	10	43	188	53	43
Bronx, N.Y.: Replacement hospital	115,242	115,242			115,242			80,288	10,313	240	11,375	13,026	24,641	24,401	13,026
Camden, N.J.: Replacement hospital	199	7,500			7,500	−7,310		199					7,301	7,301	
Chillicothe, Ohio: Mod bldg 7, 26, 27, 30, 31	10,751	10,751			10,751				6,000	3,970	155	626	4,751	781	628
Columbia, Mo.: Relocate hospital, 472 beds	19,067	19,067			19,067			18,956	−1			112	112	112	112
Columbia, S.C.: New bed bldg and mod	26,500	26,500			26,500			5,682	19,378	717	585	138	1,440	723	138
Hampton, Va.: Mod, ph IV	8,756	9,294		−538	8,756			7,075	1,522		5	154	159	159	154
Hines (VAH), Ill.: 1200-bed hospital, phase 1	30,828	30,884		−56	30,828			30,828							
Little Rock, Ark.: Replacement hospital	121,660	13,500	108,180		121,660			102	12	10,720	41,330	69,496	13,386	110,826	69,496
Loma Linda, Calif.: Replacement hospital	64,900	64,900			64,900			61,138	1,456	1,740		566	2,306	566	566
Los Angeles, Calif.: 820-bed replacement hospital	87,029	87,029			87,029			83,643	1,601	165		1,620	1,785	1,620	1,620
Madison, Wis.: Modernization	11,955	14,000		−2,045	11,955			868	9,599		140	1,348	1,488	1,488	1,348
Martinsburg, W. Va.: Replacement hospital	74,810	7,600	67,010		74,610			100	4,112	15,800	7,859	46,739	3,388	54,598	46,739
Northport, N.Y.: 476-bed replacement hospital, ph 1	25,930	26,046		−116	25,930			25,933	−3						
Phoenix, Ariz.: 328-bed addition and modernization	20,429	20,429			20,429			19,814	229			386	386	386	386

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)—Continued

[In thousands of dollars]

Location: Description	Appropriation plan							Obligations					Unobligated appropriation end of year		
								Actual		Estimated					
	Total estimated cost	Available through 1977 in 1978 budget	Net 1978 appropriation	Adjustments	Total available through 1978	Required For 1979	For future consideration	Through Sept. 30, TQ	For 1977	For 1978	For 1979	For future	1977	1978	1979
REPLACEMENT AND MODERNIZATION—Continued															
Phoenix, Ariz.: Modernization, ph II	5,619	5,619			5,619			5,127	299	193			193		
Portland, Oreg.: Replacement hospital	150,130	15,500	−4,470		11,030	139,100		160	10	4,075	5,825	140,060	15,830	6,785	140,060
Richmond, Va.: Replacement hospital	116,000	116,000			116,000			116	6,954	18,080	19,860	70,958	108,930	90,850	70,990
San Antonio, Tex.: 760-bed hospital	37,320	37,320			37,320			37,161	−58	217			217		
San Diego, Calif.: 811-bed relocation hospital	38,964	38,964			38,964			38,832	22	110			110		
San Francisco, Calif.: 460-bed bldg plus boiler plant	17,251	17,251			17,251			16,755	13	10		473	483	473	473
Seattle, Wash.: Replacement hospital	90,000	9,000			9,000	81,000		101		3,800	15,005	71,094	8,899	5,099	71,094
St. Albans (Div.), N.Y.: Modernization	6,000	6,000			6,000			3,604	311	1,790	80	215	2,085	295	215
West Roxbury, Mass.; Spinal cd rehab ctr mod	21,513	12,565	8,948		21,513			11,632	493	175	8,795	418	440	9,213	418
White River Junction, Vt.: New ded bldg	7,788	7,788			7,788			7,753				35	35	35	35
Wichita, Kans.: Mod addn plus alterations, phase I	5,284	393	4,891		5,284			69	25	395	4,750	45	299	4,795	45
Total (29)	1,359,140	905,517	184,539	−17,015	1,073,041	212,799	73,300	469,298	100,120	93,417	170,519	525,786	319,084	410,206	452,486
NURSING HOME CARE															
Atlanta, Ga.: NHC—120 beds	7,144	520			520	6,624				475	6,475	194	520	45	194
Battle Creek, Mich.: NHC—205 beds	1,322	1,322			1,322			1,289	12			21	21	21	21
Columbia, S.C.: NHC—120 beds	4,044	4,927		−883	4,044				3,787	60	100	97	257	197	97
Gainesville, Fla.: NHC—120 beds	4,690	4,690			4,690				193	3,980	125	392	4,497	517	392
Hampton, Va.: NHC—120 beds	4,955	368	4,587		4,935			51	241	4,335	160	168	76	328	168
Hines (Vail), Ill.: NHC—120 beds	7,277		674		674		6,603			540		6,737		134	134
Jackson, Miss.: NHC—120 beds	3,450	3,450			3,450			3,265	18	55		112	167	112	112
Livermore, Calif.: NHC—120 beds	6,907		515		515		6,392			515		6,392			

Long Beach, Calif.: NHC—180 beds, rehab	2,981	2,981			2,981			2,953	18			10	10	10	10
Manchester, N.H.: NHC—120 beds	3,429	3,429			3,429			3,383	10	36			36		
Memphis, Tenn.: NHC—120 beds	4,571	342	4,229		4,571			54	161	3,900	200	256	127	456	256
Miami, Fla.: NHC—120 beds	5,386	343	5,043		5,386				256	4,725	155	250	87	405	250
Palo Alto (MPD), Calif.: NHC—150 beds	5,400	5,675		−275	5,400			373	4,655	315	57		372	57	
Perry Point, Md.: NHC—80 beds	2,965	290			290	2,675			151		2,760	54	139	139	54
Philadelphia (VAH), Pa.: NHC—120 beds	14,440					3,960	10,480				955	13,485			3,005
Phoenix, Ariz.: NHC—120 beds	4,500	4,500			4,500			301	3,834	215	105	45	365	150	45
Sepulveda, Calif.: NHC—180 beds rehab	3,527	3,527			3,527			3,386				141	141	141	141
Temple, Tex.: NHC-120 beds	5,416		464		464		4,952			405		5,011		59	59
Tuscaloosa, Ala.: NHC—120 beds	2,681	2,681			2,681			2,632	42			7	7	7	7
Washington, D.C.: NHC—120 beds and cl facility, underground pk garage	19,707	963			963	18,744			265	685	18,470	287	698	13	287
Wilkes-Barre, Pa.: NHC—120 beds	6,153	534			534		5,619		68	460		5,625	466	6	6
Wilmington, Del.: NHC—60 beds	2,542	2,542			2,542			2,403	30	40	35	34	109	69	34
Total (22)	123,487	43,084	15,512	−1,158	57,438	32,003	34,046	20,090	13,741	20,741	29,597	39,318	8,095	2,866	5,272
DOMICILIARIES															
Bath, N.Y.: 200-bed domiciliary	9,897		853		853		9,044					9,897		853	853
Dayton, Ohio: 200-bed domiciliary	7,566	735	6,831		7,566				370	6,240	525	431	365	956	431
Hampton, Va.: 200-bed domiciliary	7,669	710			710		6,959		306			7,363	404	404	404
Wood, Wis.: 200-bed domiciliary	7,177	8,401		−1,224	7,177				6,699			478	478	478	478
Total (4)	32,309	9,846	7,684	−1,224	16,306		16,003		7,375	6,240	525	18,169	1,247	2,291	2,166
RESEARCH AND EDUCATION															
Chicago (Lakeside), Ill.: Research addition	4,327	279		4,048	4,327			238	14	2,500	575	1,000	4,075	1,575	1,000
Cleveland (Wade Park), Ohio: Research addition	2,348	2,348			2,348			2,284	42			22	22	22	22
Dallas, Tex.: Research and education	5,200	6,126			6,126	−926		325	4,516	190	140	29	1,285	1,095	29
Houston, Tex.: Research and education	5,162	6,587			6,587	−1,425		4,811	63	120	85	83	1,713	1,593	83
Jackson, Miss.: Research addition	6,336	6,952			6,952	−616		5,919	77	5	175	160	956	951	160
Long Beach, Calif.: Research and education addition	8,812	429			429		8,383	336				8,476	93	93	93
Miami, Fla.: Research and education addition	7,512	250			250		7,262	125	25			7,362	100	100	100
New York, N.Y.: Research alterations	2,400	2,260		140	2,400			2,260	140						
Omaha, Nebr.: Research addition	3,230	3,230			3,230			3,116	44			70	70	70	70

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)—Continued

[In thousands of dollars]

Location: Description	Appropriation plan							Obligations					Unobligated appropriation end of year		
								Actual		Estimated					
	Total estimated cost	Available through 1977 in 1978 budget	Net 1978 appropriation	Adjustments	Total available through 1978	Required For 1979	For future consideration	Through Sept. 30, TQ	For 1977	For 1978	For 1979	For future	1977	1978	1979
RESEARCH AND EDUCATION—Continued															
Philadelphia (VAH) Pa.: Research addition	4,233	4,189		44	4,233			4,162	29	5		37	42	37	37
Shreveport, La.: Research and education	810	102			102		708			55		755	102	47	47
Total (11)	50,370	32,752		4,232	36,984	−2,967	16,353	23,576	4,950	2,875	975	17,994	8,458	5,583	1,641
OUTPATIENT IMPROVEMENTS															
Albuquerque, N. Mex.: Outpatient clinic	1,929	1,929			1,929			1,847	34			48	48	48	48
Atlanta, Ga.: Ambulatory care addn	8,361	1,100	7,261		8,361			13	120	620	7,515	93	967	7,608	93
Boston, Mass.: Outpatient clinic	3,750	1,051			1,051		2,699				250	3,500	1,051	1,051	801
Brooklyn, N.Y.: Outpatient clinic	4,469	350			350		4,119				295	4,174	350	350	55
Buffalo, N.Y.: Outpatient clinic	5,734	6,996		−1,262	5,734			359	5,053	120	100	102	322	202	102
Camden, N.J.: Outpatient clinics	12,175					3,341	8,834				805	11,370			2,536
Chicago (Lakeside), Ill.: Outpatient clinic	2,244	2,244			2,244			2,053	100	25	40	26	91	66	26
Cincinnati, Ohio: Outpatient clinic	4,535	4,535			4,535			4,256	29	10	115	125	250	240	125
Cleveland (Wade Park), Ohio: Outpatient clinic	2,358	2,358			2,358			2,185	−132	65		240	305	240	240
Dallas, Tex.: Ambulatory care addition and renovation	4,242		360		360		3,882			350		3,892		10	10
Des Moines, Iowa: Ambul care addn renov	988		102		102		886			75		913		27	27
Durham, N.C.: Outpatient clinic	2,517	2,517			2,517			2,459	1			57	57	57	57
Fresno, Calif: OP clinic facility	3,396	260	3,136		3.396				76	230	3,075	15	184	3,090	15
Hines (VAH), Ill.: Outpatient clinic	2,582	2,503		79	2,582			2,286	52	55	15	174	244	189	174
Jackson, Miss.: Update regional office space for OP clinic	5,363	570			570	4,793			60	465	4,755	83	510	45	83
Kansas City, Mo.: Outpatient clinic	6,795	6,795			6,795			6,396	136	165	98		263	98	
Long Beach, Calif.: Outpatient clinic	6,443	6,210		233	6,443			5,231	826	315	71		386	71	
Newington, Conn.: Outpatient clinic	1,229	1,228		1	1,229			1,206	1			22	22	22	22
Northampton, Mass.: Expansion of OPC	2,400	2,460			2,460				2,190	80	140	50	270	190	50

(FAD), Calif.: Outpatient clinic	2,999	2,999			2,999			2,788	120			91	91	91	91
Providence, R.I.: Outpatient clinic	3,454	4,600		−1,146	3,454			219	2,827	90	235	83	408	318	83
San Juan, P.R.; Update RO space for OPC, phase I	6,832	845			845	5,987			113	365	6,275	79	732	367	79
St. Louis (SLD), Mo.: Outpatient clinic	2,090	2,090			2,090			1,931	141	18			18		
Tucson, Ariz.: Outpatient clinic	2,717	2,717			2,717			2,564	7	70	15	61	146	76	61
Tuskegee, Ala.: Ambulatory care Addn	4,962		440		440		4,522			375		4,587		65	65
Washington, D.C.: Ambulatory care addn renovation	4,000		4,000		4,000					345	3,550	105		3,655	105
White River Junction, Vt.: Outpatient clinics	4,363		4,363		4,363					375	3,870	118		3,988	118
Total (27)	112,987	56,357	19,662	−2,095	73,924	14,121	24,942	35,793	11,754	4,213	31,219	30,008	6,715	22,164	5,066
OTHER IMPROVEMENTS															
(A) General Projects															
Atlanta, Ga.: Warehouse engineering office	1,541	110			110		1,431		22	80		1,439	88	8	8
Augusta (LD), Ga.: Dining hall, kitchen and subsistence warehouse	3,271	350	2,921		3,271				183	2,840	215	33	167	248	33
Battle Creek, Mich.: Replace administration building	3,030		222		222		2,808			215		2,815		7	7
Biloxi (BD), Miss.: Renovate hosp bldg, No. 2, damaged by fire	6,000		6,000		6,000					5,605	85	310		395	310
Brockton, Mass.: 60-bed spinal CD injury and A/C	1,637	1,637			1,637			1,635	2						
Canandaigua, N.Y.:															
New engineering shops and office buildings	1,347	123	1,224		1,347			24	74	1,190	45	14	25	59	14
Renovate patients bldg	3,716	300			300	3,416			40	60	3,550	66	260	200	66
Chicago (Lakeside), Ill.: Remodel surgical area	1,880	2,430		−550	1,880			180	1,583		35	82	117	117	82
Dayton, Ohio: Consolidate kitchen bldgs 300 and 411	1,457		126		126		1,331			110		1,347		16	16
Huntington, W. Va.: Addition bldg No. 1	7,111	496	6,615		7,111			249	101	6,210	215	336	146	551	336
Leavenworth, Kans.: New Laundry bldg	3,797	3,797			3,797			3,593	129	75			75		
Murfreesboro, Tenn.:															
Remodel wards 5A and 5B	3,103	275			275		2,828		29	205		2,869	246	41	41
Renovate wards 6A and 6B	3,584		287		287		3,297			270		3,314		17	17
Salem, Va.:															
Modernize bldg No. 76	2,559	390			390		2,169		29	220		2,310	361	141	141
Renovate bldg No. 77	1,383	1,495		−112	1,383			92	1,182		35	74	109	109	74
Renovation of bldg 7	2,146		129		129		2,017			125		2,021		4	4
St. Albans (Div), N. Y.: Laundry consolidation	2,727	1,996		731	2,727			38	164	2,435	90		2,525	90	

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)—Continued

[In thousands of dollars]

Location: Description	Appropriation plan							Obligations					Unobligated appropriation end of year		
								Actual		Estimated					
	Total estimated cost	Available through 1977 in 1978 budget	Net 1978 appropriation	Adjustments	Total available through 1978	Required For 1979	For future consideration	Through Sept. 30, TQ	For 1977	For 1978	For 1979	For future	1977	1978	1979
OTHER IMPROVEMENTS—Con.															
A. General Projects —Continued															
St. Louis (JB), Mo.: 58-bed spinal cord unit	1,677	1,676		1	1,677			1,658				19	19	19	19
Total (18)	51,966	15,075	17,524	70	32,669	3,416	15,881	7,469	3,538	19,640	4,270	17,049	4,138	2,022	1,168
(B) Medical Facility															
Denver, Colo.: Clinical support wing and A/C	20,726	640			640		20,086				575	20,050	640	640	65
Gainesville, Fla.: Clin improv research and education, ph II	19,596	1,090	18,506		19,596					1,380		18,206	1,090	18,216	18,216
Houston, Tex.: O/P clinic bldg and 60 bed sciu	11,995		896		896		11,099			895		11,100		0	1
Indianapolis (TSD), Ind.: Clinical improvements education bldg	11,345	11,345			11,345				493	9,645	315	892	10,852	1,207	892
Mountain Home, Tenn.: Clinical support bldg	9,388	460			460		8,928			425		8,963	460	35	35
Nashville, Tenn.: Ambulatory care res and education addition	11,300	1,035	10,065		11,300				428	9,805	185	882	707	1,067	882
Oklahoma City, Okla.: Clinical exp ambulatory care renovation	31,959	3,585			3,585		28,374		601	2,355		29,003	2,984	629	629
Salt Lake City, Utah: Amb care adn lab adn res ed cl impr surg and pad	21,473	1,494			1,494	19,979			457	970	19,905	140	1,037	67	141
San Francisco, Calif.: Remodel old hospital	19,936	1,350			1,350		18,586		385		856	18,686	965	965	100
Total (9)	157,718	21,099	29,567		50,666	19,979	87,073		2,364	25,475	21,845	108,034	18,735	22,827	20,961
(C) Clinical Improvements															
Bay Pines, Fla.: Clinical improvements	2,242	2,087		55	2,242			2,129	31	50		32	82	32	32
Birmingham, Ala.: Blind rehabilitation facility	4,714	500			500	4,214				360	4,225	129	500	140	129
Cincinnati (CD), Ohio: Cl lab radiology and CC lab	3,047		301		301		2,746			230		2,817		71	71
Dayton, Ohio: Clinical addition	10,903	9,632	1,271		10,903			128	610	9,470	350	345	8,894	695	354

											30		960	30
improvements	1,993	180	1,813		1,993					155	1,785	53	180	1,838	53
Reno, Nev.: Clinical addn utilities improv boiler plant	13,444	2,115	11,329		13,444			219	775	11,350	310	790	1,121	1,100	790
Salem, Va.: New clinical bldg	2,961	2,961			2,961			206	2,612	5	75	63	143	138	63
San Diego, Calif.: Clinical improvements	2,230	2,230			2,230			2,039	117	74			74		
White River Junction, Vt.: Clinical improvements	3,123	3,153		−30	3,123			2,824	182	20	65	32	117	97	32
Wood, Wis.: Relocate nuclear med.	1,544		128		128		1,416			115		1,429		13	13
Total (13)	54,596	30,303	15,892	25	46,220	4,214	4,162	14,494	4,372	22,069	7,785	5,876	11,462	5,285	1,714
Other IMPR (D)-Air-conditioning															
Augusta (LD), Ga.: Air-conditioning	3,959	3,959			3,959			3,700	56	20	85	98	203	183	98
Biloxi (GD) Miss.: Air-conditioning	1,007	1,007			1,007			945				42	62	42	42
Castle Point, N.Y.: Central A/C	7,358		619		619		6,739			555		6,803		64	64
Coatesville, Pa.: Air-condition and Ward addition	16,887	993	15,894		16,887			125	6	14,935	755	1,066	852	1,821	1,066
East Orange, N.J.: Air-conditioning phase I	14,826	1,525	13,301		14,826			858	9	12,880	420	659	658	1,079	659
Fayetteville, Ark.: Air-conditioning	4,935	3,253		1,682	4,935			267		4,305	160	203	4,668	363	203
Fayetteville, N.C.: Air-conditioning	2,223	2,220		3	2,223			2,220	3						
Huntington, W. Va.: Air-conditioning	2,563	2,563			2,563			2,433		70		60	130	60	60
Indianapolis (CSR), Ind.: Air-con-	4,143	448	3,695		4,143				229	3,600	65	249	219	314	249
Indianapolis (TSD), Ind.: Air-conditioning	6,454	6,454			6,454			6,194	−5	170	10	85	265	95	85
Iowa city, Iowa: A/C system and add electric power	5,317	5,317			5,317			5,201	25			91	91	91	91
Kerrville, Tex.: Air-conditioning	2,880	2,880			2,880			2,727	58	80		15	95	15	15
Knoxville, Iowa: Air-conditioning	11,277	787	10,490		11,277			46		675	10,295	261	741	10,556	261
Leavenworth, Kans.: Air-conditioning	4,452	4,452			4,452			4,354	−1			99	99	99	99
Lebanon, Pa.: Air-conditioning	8,065	625	8,740	−1,300	8,065			442	86	7,040	255	242	97	497	242
Lexington, Ky.: Air-conditioning	7,580	7,580			7,580			7,053	107	175	135	110	420	245	110
Lincoln, Nebr.: Air-conditioning	3,600	3,137		463	3,600			194	3,146		50	210	260	260	210
Mountain Home, Tenn.: Air-Conditioning	1,637	1,637			1,637			1,512	7	25	20	73	118	93	73
Murfreesboro, Tenn.: A/C building No. 1-12	5,278	5,437		−159	5,278			5,278							
Omaha, Nebr.: Air-conditioning	4,977	4,977			4,977			4,924	28			25	25	25	25
Perry Point, Md.: Air-conditioning	9,618	11,931		−2,313	9,618			632	8,220	400	366		766	366	
Phoenix, Ariz.: Replace A/C chillers			128	−128											

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)—Continued

[In thousands of dollars]

Location: Description	Total estimated cost	Appropriation plan: Available through 1977 in 1978 budget	Appropriation plan: Net 1978 appropriation	Appropriation plan: Adjustments	Appropriation plan: Total available through 1978	Appropriation plan: Required For 1979	Appropriation plan: For future consideration	Obligations: Actual: Through Sept. 30, TQ	Obligations: Actual: For 1977	Obligations: Estimated: For 1978	Obligations: Estimated: For 1979	Obligations: Estimated: For future	Unobligated appropriation end of year: 1977	Unobligated appropriation end of year: 1978	Unobligated appropriation end of year: 1979
Other IMPR(D)-Air-conditioning—Continued															
Poplar Bluff, Md.: Air-conditioning	4, 450	4, 636		−186	4, 450			168	3, 776	145	115	246	506	361	246
Salem, Va.: Air-conditioning	5, 857	5, 877		−20	5, 857			4, 905	358	295	150	149	594	299	148
Salisbury, N.C.: Air-conditioning	6, 435	5, 435			6, 435			6, 120	2	165	10	138	313	148	139
Sepulveda, Calif.: Air-conditioning	12, 631	10, 048		2, 583	12, 631			9, 569	1, 231		320	1, 511	1, 831	1, 831	1, 511
Tucson, Ariz.: Air-conditioning	4, 871	4, 729		142	4, 871			4, 415	76	25	110	245	380	355	245
Tuscaloosa, Ala.: Air-conditioning	2, 801	2, 801			2, 801			2, 670	4			127	127	127	127
Total (28)	166, 081	105, 708	52, 867	767	159, 342		6, 739	76, 952	17, 421	45, 580	13, 321	12, 807	13, 530	19, 389	6, 068
(E) Patient Support Systems															
Albany, N.Y.: Air oxygen vacuum sys	2, 562		209		209		2, 353			195		2, 367		14	14
Kansas City, Mo.: Air oxygen vacuum sys	1, 561		134		134		1, 427			115		1, 446		19	19
Total (2)	4, 123		343		343		3, 780			310		3, 813		33	33
(G) Correction of Seismic Def															
Boise, Idaho: Seismic correction for various bldgs	2, 470	2, 470			2, 470			2, 390	8	63			63		
Charleston, S.C.: Correction of seismic deficiencies	11, 424					963	10, 461				805	10, 619			158
Livermore, Calif.: Addition to bldg No. 62	1, 982	1, 982			1, 982			1, 863	51	45	5	18	68	23	18
Palo Alto (PAD), Calif.:															
Supply warehouse	947	950		−3	947			943	4						
Low vision rehab ctr	2, 478	2, 478			2, 478			2, 352	98	28			28		

Poplar Bluff, Mo.: Correction of seismic deficiencies	2,257					190	2,067				160	2,097			30
Salt Lake City, Utah:															
Seismic correction, bldgs 1 through 5	6,414	4,259		2,155	6,414			259	42	5,725	200	188	6,113	388	188
Seismic correction, bldgs 6–10, 13, 27, 28	2,320	2,200		120	2,320				2,173		25	122	147	147	122
Various stations:															
FY 1972 program balance		148		−148											
FY 1974 program balance	3	46		−43	3					3			3		
FY 1975 program balance		205		−205											
Total (11)	30,295	14,738		1,876	16,614	1,153	12,528	7,816	2,376	5,864	1,195	13,044	6,422	558	516
(H) Corr of Electrical Def															
Albany, N.Y.: Emerg generator, electrical defic.	1,100		1,100		1,100					950	45	105		150	105
Alexandria, La.: Emergency generator	1,000		1,000		1,000					740	75	185		260	185
Batavia, N.Y.: Electrical deficiencies	1,000		1,000		1,000					910	20	70		90	70
Battle Creek, Mich.: Emerg generator, electrical defic.	1,400		1,400		1,400					1,310	20	70		90	70
Bedford, Mass.: Emergency generator	1,000		1,000		1,000					905	25	70		95	70
Biloxi (BO), Miss.: Emergency generator and electrical deficiency	1,696		1,696		1,696					1,435	80	181		261	181
Brockton, Mass.: Emerg generator, electrical defic.	1,000		1,000		1,000					85	890	25		915	25
Cheyenne, Wyo.: Emerg generator, electrical defic.	1,100		1,100		1,100					95	975	30		1,005	30
Chicago (Lakeside), Ill.: Corr of electrical def	1,245	1,245			1,245					110	1,105	30	1,245	1,135	30
Chillicothe, Ohio: Emergency power distribution	1,345		1,345		1,345					115	1,195	35		1,230	35
Durham, N.C.: Corr of electrical deficiency	1,825	183	1,642		1,825				93	1,570	75	87	90	162	87
East Orange, N.J.: Emergency generator	2,204	2,874		−670	2,204				1,988	145	71		216	71	
Fayetteville, Ark.: Corr of electrical def	1,044	995		49	1,044			937	86	21			21		
Fort Harrison, Mont.: Electrical deficiencies	1,100		1,100		1,100					1,000	30	70		100	70
Grand Island, Nebr.: Emergency generator, electrical deficiencies	1,500		1,500		1,500					100	1,360	40		1,400	40
Grand Junction, Colo.: Electrical deficiencies	1,100		1,100		1,100					980	20	100		120	100
Hines (VAH), Ill.: Corr of electrical deficiencies	1,650	1,650			1,650			208	1,196	35	10	201	246	211	201
Houston, Tex.: Emergency generator electrical deficiencies	2,800		2,800		2,800					2,620	40	140		180	140
Indianapolis (TSD), Ind.: Emergency generator, electrical deficiencies	1,400		1,400		1,400					1,310	25	65		90	65
Wood, Wis.: Emergency generator, electrical deficiencies	1,400		1,400		1,400					120	1,240	40		1,280	40
Total (39)	57,079	14,192	44,206	−1,319	57,079			3,697	6,823	28,166	15,471	2,922	2,353	18,393	2,922

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)—Continued

[In thousands of dollars]

Location: Description	Total estimated cost	Appropriation plan: Available through 1977 in 1978 budget	Appropriation plan: Net 1978 appropriation	Appropriation plan: Adjustments	Appropriation plan: Total available through 1978	Appropriation plan: Required For 1979	Appropriation plan: For future consideration	Obligations: Actual: Through Sept. 30, TQ	Obligations: Actual: For 1977	Obligations: Estimated: For 1978	Obligations: Estimated: For 1979	Obligations: Estimated: For future	Unobligated appropriation end of year: 1977	Unobligated appropriation end of year: 1978	Unobligated appropriation end of year: 1979
(I) Elim of Safety Hazards															
Battle Creek, Mich.: Deadend Corridor stairs	1,347	1,347			1,347			25		90	1,220	12	1,322	1,232	12
Birmingham, Ala.: Deadend corridor stairs	2,016	2,016			2,016			64		1,750	75	127	1,952	202	127
Canandaigua, N.Y.: 2d exit from stairs	5,234	5,234			5,234			63	5	4,890	155	121	5,166	276	121
Cincinnati, Ohio: Deadend corridor stairs	1,288	1,288			1,288					110	1,145	33	1,288	1,178	33
Denver, Colo.: Deadend corridor stairs	1,408	1,408			1,408			25		1,255	60	68	1,383	128	68
East Orange, N.J.: Deadend corridor stairs	2,057	2,057			2,057				118	1,785	60	94	1,939	154	94
Kansas City, Mo.: Deadend corridor stairs	1,518	1,518			1,518			1,400	32	50	36		86	36	
Knoxville, Iowa: Deadend corridor stairs	1,245	117	1,128		1,245					110	1,105	30	117	1,135	30
Lebanon, Pa.: Deadend corridor stairs	1,574	1,574			1,574				27	1,470	25	52	1,547	77	52
Minneapolis, Minn.: Deadend corridor stairs	1,761	1,761			1,761			64		115	1,582		1,697	1,582	
Murfreesboro, Tenn.: Additional Exits	3,168	240			240	2,928			33	205	2,875	55	207	2	55
Muskogee, Okla.: Construct adequate stairwells	1,693	1,693			1,693				20	1,205	445	23	1,673	468	23
New York N.Y.: Deadend corridor Stairs	5,878	5,878			5,878			100		390	5,330	58	5,778	5,388	58
North Chicago (Downey), Ill.: Deadend corridor stairs	3,626	3,626			3,626			46		240	3,290	50	3,580	3,340	50
Northport, N.Y.: Deadend corridor stairs	1,366	1,366			1,366			31	1	1,275	25	34	1,334	59	34
Oklahoma City, Okla.: Deadend corridor stairs	1,501	1,501			1,501					100	1,360	41	1,501	1,401	41
Salem, Va.: Deadend corridor stairs	4,502	4,502			4,502			57		300	4,080	65	4,445	4,145	65
Sepulveda, Calif.: Deadend corridor stairs	1,614	1,614			1,614			25		105	1,465	19	1,589	1,484	19
St. Louis (JB), Mo.: Deadend corridor stairs															

stairs	1,319	1,319			1,319			32		85	1,195	7	1,287	1,202	7
Tuscaloosa, Ala.: Deadend corridor stairs	2,132	2,132			2,132					1,525	550	57	2,132	607	57
Total (20)	46,247	42,191	1,128		43,319	2,928		1,932	236	17,055	26,078	946	40,023	24,096	946
(J) Boiler Plants Systems															
Augusta (LD), Ga.: Boiler plant steam distribution system	3,779	400	3,379		3,779				202	3,350	135	92	198	227	92
Bay Pines, Fla.: Replace boiler plant	1,985	1,985			1,985						1,925	60	1,985	1,985	60
Iowa City, Iowa: Replace boiler plant	2,288	2,288			2,288			5	2,162	55	45	21	121	66	21
Minneapolis, Minn.: Boilers	5,307					5,307					5,160	147			147
Sioux Falls, S. Dak.: Boilers	2,902					2,902					2,825	77			77
Waco, Tex.: Replace boiler plant	1,568	1,568			1,568			1,491	11	30	25	11	66	36	11
Wood, Wis.: Boiler plant addition	1,126	1,141		−15	1,126			1,130	−5			1	1	1	1
Total (7)	18,955	7,382	3,379	−15	10,746	8,209		2,626	2,370	3,435	10,115	409	2,371	2,315	409
(K) Elevators															
Brooklyn, N.Y.: Additional elevators	1,702	1,702			1,702			1,616	38	40	8		48	8	
East Orange, N.J.: 4 addn elevators and 2 future elevators	3,499	510			510		2,989		218			3,281	292	292	292
Omaha, Nebr.: 2 addnl elevators	1,053	1,554		−501	1,053				941	50	45	17	112	62	17
Total (3)	6,254	3,766		−501	3,265		2,989	1,616	1,197	90	53	3,298	452	362	309
Other IMPR (L) Parking															
Durham, N.C. Multistory pkg garage	4,179	167			167		4,012	158				4,021	9	9	9
Iowa City, Iowa: Parking facility	2,661	108			108		2,553	102				2,559	6	6	6
Syracuse, N.Y.: Multistory parking garage	2,918	153			153		2,765	124				2,794	29	29	29
Total (3)	9,758	428			428		9,330	384				9,374	44	44	44
(M) Energy Conservation															
Augusta (LD), Ga.:															
Energy conservation, boiler	279			279	279					265	14		279	14	
Energy conservation, dining and food	247			247	247					230	10	7	247	17	7
Coatesville, Pa.: Energy conservation, A/C ward addn	700			700	700					650	30	20	700	50	20

CONSTRUCTION—MAJOR PROJECTS APPROPRIATIONS (STATUS OF CURRENT CONSTRUCTION PROJECTS—PRIOR 1977 FUNDING INCLUDES C OF H AND DF APPROPRIATION)—Continued

[In thousands of dollars]

Location: Description	Total estimated cost	Appropriation plan						Obligations					Unobligated appropriation end of year		
		Available through 1977 in 1978 budget	Net 1978 appropriation	Adjustments	Total available through 1978	Required For 1979	For future consideration	Actual: Through Sept. 30, TQ	Actual: For 1977	Estimated: For 1978	Estimated: For 1979	Estimated: For future	1977	1978	1979
(n) Energy Conservation—Con.															
Dayton, Ohio:															
Energy conservation, clinical addition	604			604	604					535	55	14	604	69	14
Energy conservation, 200-bed dom	463			463	463					430	20	13	463	33	13
Hampton, Va.: Energy conservation, 120-bed NHC	466			466	466					445	20	1	466	21	1
Reno, Nev.: Energy conservation, clinical addition	125			125	125					115	5	5	125	10	5
Various stations:															
FY 1979 energy	1,731					1,731					1,685	46			46
Energy conservation, FY 1978	4,696		7,580	−2,884	4,696					2,395	2,000	301		2,301	301
Total (9)	9,311		7,580		7,580	1,731				5,065	3,839	407	2,884	2,515	407
Various stations: Nonresearch working reserve: total (1)	5,918	22,432	−20,639	14,156	15,949	−10,031						5,918	31,436	15,949	5,918
Total, other improvements (163)	618,301	277,314	151,847	15,059	444,220	31,599	142,482	116,986	40,697	172,749	103,972	183,897	133,850	113,7[illegible]	41,415
NATIONAL CEMETERIES															
Calverton, N.Y.:															
Master plans dev 50 acres	3,344	604	2,740		3,344				280	200	2,760	104	324	2,864	104
Admin service bldgs	2,496	160	2,336		2,496						2,425	71	160	2,496	71
Develop 49 acres	2,576					2,576					2,505	71			71
Fort Logan, Colo.:															
Adm bldg/entrance dr	1,071		92		92		979			80		991		12	12
Develop 35 acres	2,260		2,260		2,260					195	2,005	60		2,065	60

Location: Description	Total estimated cost	Available through 1977 in 1978 budget	Net 1978 appropriation	Adjustments	Total available through 1978	Required For 1979	For future consideration	Through Sept. 30, TQ	For 1977	For 1978	For 1979	For future	1977	1978	1979
Fort Snelling, Minn.:															
1st phase master plan partial development	712	711		1	712			658	4			50	50	50	50
Adm svc bldg complex	4,019		326		326		3,693			285		3,734		41	41
Honolulu, Hawaii:															
Admin bldg/visitor ctr pkg structure	2,967	2,967			2,967					195	2,690	82	2,967	2,772	82

Indiantown Gap, Pa.:															
Master plans, ph I dev	4,250	2,250		2,000	4,250				306		3,740	204	3,944	3,944	204
Memorial ctr (visitor)	575	135	440		575					40	620	15	135	535	15
Develop 100 acres	5,595		574		574	5,021					5,520	175		574	175
Jefferson Barracks, Md.: Dev 20 acres plus addn fac	1,400	1,400			1,400			1,359	7	25		9	34	9	9
Massachusetts:															
Master plans, ph I dev	3,085	2,250		836	3,085			276	161	2,440	130	78	2,648	208	78
Memorial ctr (visitor)	575	115	460		575					40	520	15	115	535	15
Develop 50 acres	2,394		3,229	−835	2,394						2,330	64		2,394	64
Quantico, Va.:															
Dev 20 acres construct admin/svc bldgs	3,300	2,000		1,300	3,300					3,085	110	105	3,300	215	105
Memorial ctr (visitor)	575	150	425		475					40	520	15	150	535	15
Develop 75 acres	4,888		488		488	4,400					4,760	128		488	128
Region IV: Master plans, ph I dev	4,038		300		300	353	3,385			300	170	3,568			183
Region V: Master plans, ph I dev	4,000		300		300	350	3,350			300	350	3,350			
Riverside, Calif.:															
Master plans, ph I dev	5,053	4,447		606	5,053			563	4,244		125	121	246	246	121
Memorial ctr (visitor)	575	100	475		575					540	20	15	100	35	15
Develop 45 acres	2,425	200			200		2,225					2,425	200	200	200
Various stations: Working reserve		289		−289											
Willamette, Oreg.:															
Dev 20 acres addn facilities	1,506	2,758		−1,252	1,506			142	30		1,334		1,334	1,334	
Mausoleums/columbrms, No. 2		90		−90											
Total (27)	66,929	23,876	14,445	2,276	40,697	12,700	13,632	3,069	5,250	10,590	32,559	15,461	18,668	21,688	1,829
COMPUTER CENTERS ADDITIONS AND ALTERATIONS															
Hines (DPC), Ill.: DPC building: Total (1)	5,600	10,000			10,000	−4,400			5,075	525			4,925	4,400	
Grand total (284)	2,369,123	1,358,746	393,689	75	1,752,510	295,855	320,758	668,812	188,964	311,350	369,366	830,631	501,042	583,381	509,870

CONSTRUCTION, MINOR PROJECTS

The Construction, Minor Projects appropriation provides for constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is less than $1,000,000, and expenses of the Office of the Assistant Administrator for Construction.

SUMMARY OF 1979 REQUEST

An appropriation of $121,147,000 is requested for 1979. The budget request listed below was amended by Public Law 95-392 to authorize $85,401,000 for construction, minor projects. A summary of the request by activity follows:

Construction projects:	*Fiscal year 1979 request (thousands)*
A. Medical program:	
Other improvements	$90, 447
General Projects	13, 762
Miscellaneous projects, $50,000–$400,000	39, 045
Clinical improvements	3, 731
Correction of seismic deficiencies	2, 351
Correction of electrical deficiencies	12, 842
Elimination of safety hazards	9, 313
Elevators	2, 754
Patient support	1, 649
Energy conservation	5, 000
B. Administrator's discretionary fund	1, 000
C. Regional offices, replacement, and renovation	2, 080
D. Computer centers addition and alterations	1, 320
E. General administration	26, 300
Total, construction, minor request	121, 147

FISCAL YEAR 1970-79

[In thousands of dollars]

Appropriation/fund account	Actual 1970	Actual 1971	Actual 1972	Actual 1973	Actual 1974	Actual 1975	Actual 1976	Actual 1977	Estimate 1978	Estimate 1979
BUDGET AUTHORITY										
Federal funds										
General operating expenses	242, 644	258, 118	291, 113	319, 513	349, 809	432, 028	483, 300	525, 633	584, 500	622, 074
Benefit programs:										
Compensation and pensions	5, 367, 885	5, 890, 379	6, 248, 000	6, 433, 000	6, 743, 800	7, 539, 400	8, 249, 200	8, 982, 500	9, 606, 400	9, 577, 300
Readjustment benefits	1, 016, 215	1, 656, 700	1, 888, 700	2, 707, 400	3, 353, 000	4, 476, 229	6, 014, 475	3, 983, 900	2, 648, 025	2, 119, 000
Veterans insurance and indemnities	7, 253	5, 100	6, 500	4, 400		8, 750	6, 600	7, 000	2, 465	5, 750
Payment of participation sales insufficiencies		1, 372	1, 291	499	261					
Loan guaranty revolving fund	4, 764	4, 756	4, 638	4, 501	4, 139	1, 828				
Education loan fund						74, 509			17, 200	74, 300
Vocational rehabilitation revolving fund						97	100			
Total benefit programs	6, 396, 117	7, 558, 307	8, 149, 129	9, 149, 800	10, 101, 200	12, 100, 813	14, 270, 375	12, 973, 400	12, 274, 090	11, 776, 350
Medical programs:										
Medical care	1, 683, 209	1, 941, 623	2, 299, 326	2, 606, 080	2, 859, 076	3, 317, 520	3, 854, 456	4, 373, 807	4, 924, 937	5, 279, 699
Medical and prosthetic research	58, 783	62, 684	69, 907	77, 988	76, 142	91, 377	97, 309	104, 533	111, 853	112, 667
Medical administration and miscellaneous operating expenses	17, 942	20, 161	22, 531	28, 737	33, 950	37, 508	38, 528	39, 941	43, 316	47, 855
Grants for construction of State extended care facilities	4, 000	7, 500	8, 000	6, 000		9, 700	10, 000	10, 000	10, 000	5, 000
Grants to the Republic of the Philippines	1, 337	2, 000	2, 100	2, 000	2, 000	2, 050	2, 100	2, 100	1, 700	
Assistance for health manpower training institutions				20, 000	25, 000	10, 000	30, 000	45, 045	67, 200	75, 000
Supply fund							29, 001		20, 000	
Total medical programs	1, 765, 271	2, 033, 968	2, 401, 864	2, 740, 805	2, 996, 168	3, 468, 155	4, 061, 394	4, 575, 426	5, 179, 006	5, 520, 221
Construction programs:										
Construction of hospital and domiciliary facilities	69, 152	59, 000	93, 622							
Construction, major projects				125, 993	68, 343	251, 127	297, 464	405, 681	393, 689	295, 855
Construction, minor projects				55, 000	42, 218	51, 894	106, 426	92, 791	95, 234	121, 147
Total construction programs	69, 152	59, 000	93, 622	180, 993	110, 561	303, 021	403, 890	498, 472	488, 923	417, 002
Total appropriations (adjusted)	8, 473, 184	9, 909, 393	10, 935, 727	12, 391, 111	13, 557, 738	16, 304, 017	19, 218, 959	18, 572, 931	18, 526, 519	18, 335, 647
Proposed legislation:										
Compensation and pensions										420, 900
Readjustment benefits										−100, 000
Medical care										−142, 127
General operating expenses										−1, 495
Total proposed legislation										177, 278

FISCAL YEAR 1970–79—Continued

[In thousands of dollars]

Appropriation/fund account	Actual								Estimate	
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
BUDGET AUTHORITY—Continued										
Federal Funds—Continued										
Contract authority (permanent, indefinite): Supply fund		6,898	30,865	2,475	10,576	20,000				
Deduct: Proprietary receipts from the public	−2,124	−2,274	−2,159	−1,996	−2,081	−2,145	−1,549	−679	−2,600	−2,600
Total federal funds	8,471,061	9,914,017	10,954,434	12,391,591	13,566,233	16,321,872	19,217,410	18,572,252	28,523,919	18,510,325
Trust funds										
Post-Vietnam era veterans education account								3,321	30,792	55,189
General post fund	2,525	2,943	3,394	3,700	3,854	4,001	4,808	5,497	6,100	6,400
National service life insurance	711,410	743,561	772,790	798,035	808,432	835,070	851,629	912,821	971,900	963,800
U.S. Government life insurance	41,527	40,738	40,293	39,066	38,444	37,679	37,687	37,402	37,983	36,165
Total trust funds (gross)	755,462	787,243	816,477	840,801	850,730	876,751	894,123	959,041	1,046,775	1,061,554
Deduct: Proprietary receipts from the public	−473,214	−479,189	−486,744	−494,660	−475,337	−471,778	−458,042	−486,982	−535,923	−516,717
Total trust funds (net)	282,248	308,054	329,734	346,141	375,393	404,973	436,081	472,059	510,852	544,837
Deduct: Intragovernmental transactions	−3,381	−3,086	−2,484	−2,428	−2,183	−2,101	−2,140	−2,148	−2,036	−7,232
Total Veterans' Administration	8,749,927	10,218,984	11,291,684	12,735,303	13,939,443	16,724,744	19,651,351	19,042,164	19,032,735	19,047,930
BUDGET OUTLAYS										
Federal funds										
General operating expenses	236,681	257,361	283,851	314,496	336,976	444,566	475,699	510,265	581,710	622,074
Benefit programs:										
Compensation and pensions	5,335,767	5,799,957	6,143,544	6,544,234	6,633,219	7,580,708	8,178,323	8,999,596	9,563,500	9,586,200
Readjustment benefits	987,535	1,619,534	1,917,509	2,751,481	3,248,899	4,591,079	5,526,562	3,700,004	3,101,900	2,708,500
Veterans insurance and indemnities	13,463	12,261	14,040	10,248	3,468	9,055	6,146	7,922	2,951	5,775
Loan guaranty revolving fund	48,824	−86,827	−54,057	−184,783	64,602	71,555	−21,794	660	54,000	27,000
Direct loan revolving fund	13,275	−81,511	−245,838	−241,122	−99,388	−41,447	−43,027	−138,723	−75,000	−73,000
Service disabled veterans insurance fund	−2,876	−2,268	−4,907	−1,560	5,150	−1,161	999	−1,509	3,363	
Soldiers' and sailors' civil relief	1	8	6	−1	2					
Veterans reopened insurance fund	−35,221	−32,157	−31,399	−32,652	−31,748	−32,387	−34,372	−27,227	−25,872	−24,733
Education loan fund						1,402	4,950	13,320	70,700	74,400
Vocational rehabilitation revolving fund	17	9	4	152	37	86	−90	64	10	10
Servicemen's group life insurance fund			−11,363	11,363	−2,623	2,624				
Total benefit programs	6,360,785	7,229,005	7,727,638	8,893,361	9,821,619	12,181,513	13,617,697	12,554,107	12,695,552	12,304,152

Medical programs:										
Medical care	1,652,627	1,870,571	2,228,900	2,512,316	2,789,001	3,405,059	3,694,959	4,290,617	4,904,275	5,276,531
Medical and prosthetic research	58,080	60,900	66,463	74,054	77,696	93,196	93,559	104,460	111,573	112,662
Medical administration and miscellaneous operating expenses	16,951	19,636	20,973	24,885	29,847	36,187	35,655	38,668	43,239	47,932
Grants for construction of State extended care facilities	3,452	2,928	1,831	2,580	3,653	3,441	9,313	7,828	11,407	12,000
Grants to the Republic of the Philippines	1,484	1,571	1,999	1,766	1,999	1,975	1,796	2,045	1,718	296
Assistance for health manpower training institutions						5,937	22,680	31,109	48,155	51,890
Canteen service revolving fund	−947	−230	−1,367	−1,672	−3,441	−304	−48	1,114	850	−1,857
Rental, maintenance and repair of quarters	−35	2	−4	17	−8					
Special therapeutic and rehabilitation activities fund								−76	−150	−150
Supply fund	−4,958	5,446	−1,146	−1,403	−7,585	−17,929	74,521	7,820	10,000	
Consolidated working fund	−170	153								

			−144	3	−134	−573	−738	297		
Total medical programs	1, 726, 484	1, 960, 975	2, 317, 504	2, 612, 546	2, 891, 028	3, 526, 989	3, 931, 697	4, 483, 882	5, 131, 067	5, 499, 304
Construction programs:										
Construction of hospital and domiciliary facilities	67, 375	80, 222	105, 106	71, 121	34, 927	12, 728	5, 832			
Construction, major projects				14, 014	41, 170	67, 913	138, 705	168, 402	198, 786	301, 767
Construction, minor projects				10, 674	27, 621	38, 251	43, 101	65, 438	114, 988	93, 980
Construction, Corregidor-Bataan Memorial	76	1		38						
Total construction programs	67, 451	80, 222	105, 106	95, 846	102, 178	118, 893	187, 638	233, 841	313, 774	395, 747
Total appropriations and funds	8, 391, 400	9, 527, 563	10, 434, 100	11, 916, 248	13, 153, 342	16, 271, 961	18, 212, 731	17, 782, 094	18, 722, 103	18, 821, 277
Proposed legislation:										
Compensation and pensions										395, 060
Readjustment benefits										−100, 000
Medical care										−142, 127
General operating expenses										−1, 495
Total proposed legislation										151, 438
Deduct: Proprietary receipts from the public	−2, 124	−2, 274	−2, 159	−1, 996	−2, 081	−2, 145	−1, 549	−679	−2, 600	−2, 600
Total federal funds	8, 389, 276	9, 525, 289	10, 431, 941	11, 914, 252	13, 151, 261	16, 269, 816	18, 211, 182	17, 781, 415	18, 719, 503	18, 970, 115
Trust funds										
Post-Vietnam era veterans education account									459	2, 603
General post fund	2, 381	2, 487	2, 576	3, 153	3, 611	3, 873	4, 519	4, 375	5, 000	5, 700
National service life insurance	685, 084	661, 140	720, 074	518, 896	622, 883	730, 760	633, 013	697, 602	700, 000	750, 000
U.S. Government life insurance	84, 178	82, 053	81, 213	66, 253	77, 727	85, 695	71, 297	71, 105	63, 654	69, 068
Veterans special life insurance	−31, 562	−33, 086	−36, 108	−37, 313	−41, 090	−41, 257	−44, 994	−45, 016	−55, 238	−37, 540
Total trust funds (gross)	740, 081	712, 595	767, 755	550, 988	663, 132	779, 071	663, 835	727, 067	713, 875	789, 831
Deduct: Proprietary receipts from the public	−473, 214	−479, 189	−486, 744	−494, 560	−475, 337	−471, 778	−458, 042	−486, 982	−535, 923	−516, 717
Total trust funds (net)	266, 866	233, 406	281, 011	56, 329	187, 795	307, 293	205, 793	240, 085	177, 952	273, 114
Deduct: Intragovernmental transactions	−3, 381	−3, 086	−2, 484	−2, 428	−2, 183	−2, 101	−2, 140	−2, 148	−2, 036	−7, 232
Total Veterans' Administration	8, 652, 761	9, 755, 608	10, 710, 469	11, 968, 152	13, 336, 873	16, 575, 008	18, 414, 835	18, 019, 353	18, 895, 419	19, 235, 997

FISCAL YEAR 1970-79—Continued

[In thousands of dollars]

Appropriation/fund account	Actual								Estimate	
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
AVERAGE EMPLOYMENT										
General operating expenses:										
General administration	1,549	1,576	1,614	1,962	1,942	1,981	2,032	2,101	2,284	2,416
Department of data management	1,511	1,610	1,641	1,572	1,583	1,695	1,829	1,860	2,112	2,175
Department of veterans benefits	16,533	16,707	17,265	17,478	17,154	19,716	20,154	19,545	18,804	18,137
National cemetery system					759	1,043	1,114	1,124	1,250	1,320
Total general operating expenses	19,593	19,893	20,520	21,012	21,438	24,435	25,129	24,630	24,450	24,048
Medical programs:										
Medical care	130,049	133,437	144,488	152,267	156,966	163,813	171,701	176,142	180,634	181,817
Medical and prosthetic research	3,708	3,577	3,546	3,807	3,873	4,232	4,262	4,333	4,407	4,395
Medical administration and miscellaneous operating expenses	652	677	656	772	713	748	770	788	758	842
Canteen service revolving fund	2,904	2,888	2,940	2,975	3,060	3,169	3,334	3,429	3,734	3,779
Supply fund	587	593	607	606	635	660	668	674	676	684
Consolidated working fund	34	29	34	49	46	53	64	61	67	
Total medical programs	137,934	141,201	152,271	160,476	165,293	172,675	180,799	185,427	190,276	191,517

Construction programs:										
Construction of hospital and domiciliary facilities	430	459	492	23						
Construction, minor projects				442	476	542	625	654	718	755
Total construction programs	430	459	492	465	476	542	625	654	718	755
Total Veterans' Administration	157, 957	161, 553	173, 283	181, 953	187, 207	197, 652	206, 553	210, 711	215, 444	216, 320
END-OF-YEAR EMPLOYMENT										
General operating expenses:										
General administration	1, 628	1, 637	1, 599	1, 966	1, 976	2, 028	2, 123	2, 149	2, 458	2, 493
Department of data management	1, 664	1, 688	1, 714	1, 654	1, 655	1, 784	1, 831	1, 985	2, 236	2, 212
Department of veterans benefits	17, 094	16, 946	17, 575	17, 638	19, 243	20, 194	20, 528	19, 916	18, 813	17, 959
National cemetery system					851	980	986	984	1, 187	1, 229
Total general operating expenses	20, 386	20, 271	20, 888	21, 244	23, 725	24, 986	25, 468	24, 314	24, 694	23, 893
Medical programs:										
Medical care	142, 468	153, 491	157, 950	167, 772	168, 800	177, 848	185, 994	188, 339	196, 497	198, 060
Medical and prosthetic research	4, 074	3, 678	3, 977	4, 038	4, 359	4, 498	4, 717	4, 644	5, 163	5, 158
Medical administration and miscellaneous operating expenses	723	698	744	840	780	794	828	779	780	832
Canteen service revolving fund	3, 206	3, 311	3, 274	3, 393	3, 463	3, 671	3, 887	3, 913	4, 148	4, 248
Supply fund	603	604	628	630	691	683	688	673	695	703
Consolidated working fund	26	19	44	48	43	64	92	53	85	
Total medical programs	151, 105	161, 801	166, 617	178, 721	178, 136	187, 558	196, 206	198, 401	207, 368	209, 001
Construction programs:										
Construction of hospital and domiciliary facilities	456	474	493	8						
Construction, minor projects				448	500	599	639	683	753	764
Total construction programs	456	474	483	456	500	599	639	683	753	764
Total Veterans' Administration	171, 947	182, 546	187, 988	198, 421	202, 361	213, 143	222, 313	223, 398	232, 815	233, 685

VETERAN POPULATION—END OF FISCAL PERIOD

[In thousands]

	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Spanish-American War	5	4	3	2	1	1	1	(1)	(1)	(1)
World War I	1,536	1,408	1,291	1,184	1,075	963	867	748	660	577
World War II	14,458	14,294	14,122	13,955	13,759	13,586	13,385	13,104	12,861	12,605
Korean conflict, total	5,867	5,887	5,908	5,936	5,958	5,973	5,954	5,919	5,879	5,833
No World War II service	4,605	4,626	4,649	4,675	4,703	4,723	4,716	4,701	4,680	4,654
World War II service [2]	1,262	1,261	1,259	1,261	1,255	1,250	1,238	1,218	1,199	1,179
Post Korean conflict, peacetime	3,125	3,119	3,113	3,106	3,099	3,092	3,085	3,075	3,066	3,056
Vietnam era, total	4,173	5,138	5,976	6,557	7,088	7,597	8,027	8,474	8,548	8,618
No Korean conflict service	3,918	4,837	5,626	6,151	6,628	7,094	7,510	7,944	8,018	8,089
Korean conflict service [3]	255	301	350	406	460	503	517	530	530	529
Post-Vietnam era							43	272	473	808
Total veterans	27,647	28,288	28,804	29,073	29,265	29,459	39,607	29,844	29,758	29,789

[1] Less than 0.5 (thousand).

[2] Included in Korean conflict total.

[3] Included in World War II total.

SELECTED WORKLOADS—(EXISTING LEGISLATION), FISCAL YEARS 1970 TO 1979

	Actual								Estimate	
	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979
Benefit programs:										
Compensation and pensions:										
Average number of cases (thousands)	4,687	4,757	4,854	4,912	4,889	4,853	4,859	4,894	4,918	4,923
Compensation:										
Veterans	2,065	2,122	2,166	2,192	2,207	2,214	2,225	2,241	2,249	2,250
Survivors	372	371	374	375	372	370	368	366	364	364
Pensions:										
Veterans	1,105	1,080	1,079	1,072	1,043	1,018	1,006	1,017	1,024	1,015
Survivors	1,145	1,184	1,234	1,272	1,266	1,251	1,260	1,270	1,280	1,294
Burial benefits:										
Number of burial allowances	279,938	277,275	300,460	308,793	297,884	334,832	312,487	313,223	315,000	318,000
Number of burial flags	204,904	244,619	256,102	258,368	264,441	270,011	291,564	279,645	281,800	284,100
Number of burial plot allowances					169,873	285,941	284,074	285,549	287,000	290,000
Headstone/marker orders placed					222,360	243,032	229,334	230,520	236,700	242,700
Number of interments					31,367	37,776	38,632	37,013	32,000	50,000
Readjustment benefits:										
Number of trainees (thousands)	1,288	1,675	1,960	2,223	2,462	2,804	2,951	2,079	1,595	1,382
Post-Korean conflict veterans	1,211	1,585	1,864	2,126	2,359	2,692	2,822	1,938	1,447	1,235
Sons and daughters	45	51	55	58	63	71	81	88	92	86
Wives and widows	7	9	10	11	13	16	19	19	22	24
Vocational rehabilitation	25	30	32	30	27	25	29	33	34	35
Post-Vietnam trainees										2
Educational loans granted						2,740	9,207	14,282	60,440	63,320
Loan guaranty revolving fund:										
Number of guaranteed or insured loans closed	186,209	193,687	344,159	352,824	309,327	290,195	327,133	377,701	380,000	370,000
Post-Korean conflict veterans and all other	137,011	158,534	290,157	299,001	269,114	250,578	273,461	339,711	341,900	333,500
Korean conflict veterans	42,294	25,297	19,891	18,323	12,374	12,228	14,109	14,807	14,900	14,500
World War II veterans	6,904	9,856	33,111	35,500	27,839	27,389	39,563	23,183	23,200	22,000
Direct loan revolving fund:										
Number of direct loans closed	8,530	6,056	3,245	2,930	2,608	2,665	2,782	2,686	2,520	2,515
Direct loans sold with a guarantee		4,197	14,851	12,308	1,933			5,462	2,000	2,000
Insurance programs (thousands):										
Insurance policies in force	9,981	9,544	8,983	8,749	8,565	8,367	8,186	8,127	7,996	7,887
Veterans	5,541	5,455	5,365	5,280	5,196	5,103	5,007	4,886	4,788	4,683
Servicemen	4,440	4,069	3,618	3,469	3,369	3,264	3,179	3,241	3,208	3,204

Congressional Initiatives

SUBCOMMITTEE ON COMPENSATIVE, PENSION, AND INSURANCE

There are nearly 5 million veterans, widows, children and parents who receive either compensation or pension assistance from the Veterans Administration. Compensation, or DIC in the event of death, is predicated on service-connected disability or death. In the case of pension, the veteran or his survivors must meet a strict income means test to qualify for the payment. The number of veterans and their dependents receiving compensation, or dependency and indemnity compensation in the case of survivors, is more than 2,600,000. The totals were sharply increased as a result of the Vietnam War with its more than 300,000 veterans who were wounded in action in Southeast Asia and more than 55,000 who were killed on the battlefield or died of service-connected causes. As of October, 1978, there were nearly 2.5 million active VA non-service-connected pension cases.

Restructuring the VA's pension program for veterans and survivors, in order to more fully accomplish national objectives, has been an area of concern to the subcommittee for some time. The main issues of concern were as follows: (1) the need to eliminate the problem of individuals' pension being reduced when Social Security benefits are increased; (2) the need for additional assistance to World War I veterans; (3) the need to provide a level of income for veterans above the poverty level; and (4) the desire of many to index cost-of-living increases in pension benefits to the Consumer Price Index.

The Subcommittee held in-depth hearings in February, 1978, relative to the proposed changes in the pension program. In addition to examining testimony presented at these hearings, and reviewing testimony presented at pension hearings in the 93d and 94th Congresses, the subcommittee gave close attention to voluminous documents and materials submitted to it by the Veterans Administration during the past 5 years. These included numerous replies to committee memoranda as well as the Veterans Administration Study of the Needs of Older Veterans and Widows, which was submitted to Congress July 15, 1975, pursuant to section 8 of Public Law 93–527 and the VA Analysis and Evaluation of the Non-Service-Connected Pension Program, pursuant to section 404 of Public Law 94–432. Finally, the committee reviewed and gave consideration to several important historical documents including the President's Commission on Veterans' Pension (Bradley Commission), issued in April 1956, and the report of the U.S. Veterans Advisory Commission issued in 1968.

Following these extensive investigations and hearings, the subcommittee recommended a pension reform bill which successfully addresses the major areas of concern regarding the VA pension program. A summary of this legislation, which became P.L. 95–588, is included later in this section.

Of vital concern to the subcommittee was the maintenance and improvement of the service-connected disability compensation program. The subcommittee has always felt that the Nation's first responsibility is historically to those veterans who were disabled in wartime service.

Many steps were taken to liberalize the compensation program and DIC programs during the 95th Congress. In addition to increasing the compensation rates because of appreciable increases in the cost-of-living index, legislation was considered by this subcommittee and ultimately enacted into law which provides additional help to service-connected disabled veterans, their dependents and survivors. Summaries of this legislation are included later in this section.

The Veterans Administration administers five life insurance programs for the benefit of servicepersons, veterans, and their beneficiaries and oversees the Administration of a sixth. The Subcommittee on Compensation, Pension and Insurance, exercising its oversight responsibility, held hearings during the 95th Congress on the insurance programs administered by the VA. The VA and veterans organizations were invited to testify and discuss these programs and identify any difficulties they have experienced or anticipate. Particular attention was given to possible alternatives to the National Service Life Insurance Program and the Modified Life at Age 70 program. Further consideration will be given to these insurance programs in the 96th Congress.

Herewith follows the summary of congressional initiatives taken by the Subcommittee on Compensation, Pension and Insurance during the 95th Congress:

Public Law 95–116 (H.R. 6502), effective October 1, 1977, provides entitlement to an automobile assistance allowance and automotive adaptive equipment to all veterans under the same conditions as veterans of service on and after September 16, 1940, who are now eligible.

Currently, automobile grants and needed adaptive equipment are provided to members of the Armed Forces and veterans of service on or after September 16, 1940, when they have suffered the service-connected loss or loss of use of one or both hands or feet or blindness to a prescribed degree.

It also grants such benefits to all veterans with such service-connected disablement regardless of the period of service.

Public Law 95–117 (H.R. 1862), effective October 1, 1977, provides increase in disability compensation for service-connected veterans by 6.6 percent. Statutory awards, relating to more serious disabilities are also increased by 6.6 percent. Additional amounts for dependents which are paid to veterans rated 50 percent or more disabled also are increased by 6.6 percent. The clothing allowance is increased from $190 to $203.

Dependency and indemnity compensation for widows and children of veterans who died of service-connected disabilities are increased by 6.6 percent.

Provides entitlement to a grant, not to exceed $25,000, as assistance in purchasing specially adapted housing for certain veterans who because of the service-connected loss or loss of use of one lower extremity and one upper extremity which so affects the function of balance or propulsion as to preclude locomotion without aid of braces, crutches, canes or a wheelchair.

Provides the Administrator of Veterans' Affairs legal authority to pay monthly benefits by methods other than check, to permit direct deposit of benefit checks to a bank or other financial institution, thus reducing the theft of checks from mailboxes.

Provides the Administrator of Veterans' Affairs authority to
benefits on the preceding Friday when the first day of a month fall
a Saturday, Sunday, or a legal holiday.

The tables which follow outline the amounts of increases for serv
connected disabled veterans:

	Increase
	From
Percentage of disability or subsection under which payment is authorized:	
(a) 10 percent	$38
(b) 20 percent	70
(c) 30 percent	106
(d) 40 percent	145
(e) 50 percent	203
(f) 60 percent	255
(g) 70 percent	302
(h) 80 percent	350
(i) 90 percent	393
(j) 100 percent	707
Higher statutory awards for certain multiple disabilities:	
(k) (1) Additional monthly payment for anatomical loss or loss of use of, any of these organs: 1 foot, 1 hand, blindness in 1 eye (having light perception only), one or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	56
(2) Limit for veterans receiving payments under (a) to (j) above	879
(3) Limit for veterans receiving payments under (l) to (n) below	1,231
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/20 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	879
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, either with light perception only or rendering veterans so helpless as to require regular aid and attendance	968
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthetics or anatomical loss of both eyes	1,099
(o) Disability under conditions entitleing veteran to two or more of the rates provided in (l) through (n), no condition being considered twice in the determination, or deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less)	1,231
(p) (1) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	1,231
(2) Blindness in both eyes (with 5/20 visual acuity or less) together with (a) bilateral deafness rated at 40 percent or more disabling (impairmant of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of 1 ear next intermediate rate is payable, but in no event may compensation exceed	1,231
(q) [This subsection repealed by Public Law 90-493.]	
(r) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to (o) or (p) rate	528
(s) Disability rated as toll, plus additional disability independently ratable at 60 percent or over, or permanently househound	791

In addition to basic compensation rates and/or statutory awar
which the veteran may be entitled, dependency allowances are pay
to veterans who are rated at not less than 50 percent disabled.
rates which follow are those payable to veterans while rated totally disa
If the veteran is rated 50, 60, 70, 80, or 90 percent disabled, depend
allowances are payable in an amount bearing the same ratio to
amount specified below as the degree of disability bears to total
ability. For example, the veteran who is 50 percent disabled rec
50 percent of the amounts which appear below:

	Increase	
	From	To
If and while veteran is rated totally disabled and—		
(A) has a wife but no child living	$43	$46
(B) has a wife and one child living	72	77
(C) has a wife and two children living	92	98
(D) has a wife and three or more children living	113	120
(Plus for each living child in excess of three)	21	22
(E) has not wife but one child living	28	30
(F) has no wife but two children living	49	52
(G) has no wife but three or more children living	72	77
(Plus for each living child in excess of three)	21	22
(H) has a mother or father, either or both dependent upon him for support for each parent so dependent	35	37
(I) for a spouse who is a patient in a nursing home or who is so helpless as to require reqgular aid and attendance	78	83
(J) for each child who has attained age 18 and who is pursuing a course of instruction at an approved educational institution	66	70

The following increases are provided for widows of deceased veterans whose deaths are service-connected and who are receiving dependency and indemnity compensation (DIC) payments:

WIDOWS[1] [2]

Pay grade	From—	To—	Pay grade	From—	To—
E-1	$260	$277	0-1	328	350
E-2	268	286	0-2	340	362
E-3	275	293	0-3	364	388
E-4	292	311	0-4	384	409
E-5	300	320	0-5	423	451
E-6	307	327	0-6	476	507
E-7	322	343	0-7	516	550
E-8	340	362	0-8	565	602
E-9	[3] 355	[3] 378	0-9	607	647
W-1	328	350	0-10 [4]	[4] 664	[4] 708
W-2	341	364			
W-3	352	375			
W-4	372	397			

[1] If there is a widow with 1 or more children of the deceased veteran below the age of 18, the DIC monthly rate for the widow is increased by $33 for each such child.

[2] The widow's aid and attendance rate is increased from $78 to $83.

[3] If the veteran served as sergeant major of the Army, senior enlisted adviser of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps or master chief petty officer of the Coast Guard, the widow's rate is increased from $382 to $407.

[4] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, the widow's rate is increased from $712 to $759.

When there is no widow receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows:

(1) One child, from $131 to $140.

(2) Two children, from $189 to $201.

(3) Three children from $243 to $259.

(4) More than three children, from $243 plus $49 for each child in excess of three to $259 plus $52 for each child in excess of three.

The additional payment to a child who has attained the age of 18 and who became permanently incapable of self-support while under such age is increased from $78 to $83.

If DIC is paid to a widow and there is a child of her deceased husband who has attained the age of 18 and who became permanently incapable of self-support while under such age, DIC is also payable to each such child, concurrently with the DIC payment to the widow, in the amount of $131. This additional payment is increased to $140.

If DIC is payable to a widow and there is a child of her deceased husband who has attained the age of 18 but has not attained the age of 23 and is pursuing a course of instruction at an educational institution approved under the veterans' education programs, DIC is paid to each such child, concurrently with the DIC payment to the widow, in the amount of $67. This additional payment is increased to $71.

Public Law 95-204 (H.R. 7345) (effective January 1, 1978):

(1) Provides a 6.5 percent increase in pension rates for veterans.

(2) Increases annual income limits for veterans to protect against loss of their pension solely from their 5.9 percent increase in social security beginning in July 1977:

$3,540 to $3,770 for a single veteran.

$4,760 to $5,070 for veteran with spouse and children.

(3) Increases veterans' aid and attendance allowance by 6.5 percent from $155 monthly to $165.

(4) Increases veterans' housebound allowance from $57 to $61 monthly.

(5) Provides a 6.5 percent increase in pension rates for surviving spouses.

(6) Increases annual income limits for surviving spouses to protect against their loss of pension solely from their 5.9 percent increase in social security beginning in July 1977:

$3,540 to $3,770 for a surviving spouse alone.

$4,760 to $5,070 for a surviving spouse with a child or children.

(7) Increases childrens' rates and income limits from $2,890 to $3,080.

(8) Increases childrens' rates from $57 to $61 for one child, and from $24 to $26 for each additional child.

(9) Increases surviving spouses' aid and attendance by 6.5 percent from $74 to $79 monthly.

(10) Increases income limits governing payment of protected pension to protect such a pensioner against loss of pension solely because of the 5.9 percent increase in social security beginning in July 1977:

$3,100 to $3,300 for a veteran or surviving spouse alone.

$4,460 to $4,760 for a veteran or surviving spouse with dependents.

(11) Provides a 6.5 percent increase in DIC rates for needy parents.

(12) Increases income limits for parents' DIC to protect a parent against loss of DIC solely because of the 5.9 percent increase in social security benefits beginning in July 1977:

$3,540 to $3,770 for one parent alone or for each of two parents who are not living together.

$4,760 to $5,070 for two parents living together or a remarried parent living with spouse.

Increases parents' DIC aid and attendance rate by 6.5 percent 74 to $79 monthly.

Increases aid and attendance rates for protected law death nsation beneficiaries from $74 to $79 monthly.

EXAMPLES OF THE NEW RATES OF PENSION AND DIC

ne	Pension [1]				Dependency and indemnity compensation		
	Veteran alone	Veteran and 1 dependent	Surviving spouse	Surviving spouse with 1 dependent	1 parent	2 parents together	2 parents not together
	$197	$212	$133	$159	$152	$102	$107
	197	212	133	159	152	102	107
	197	212	133	159	152	102	107
	197	212	133	159	152	102	107
	194	212	132	159	152	102	107
	191	212	131	159	152	102	107
	187	210	130	159	152	102	107
	183	208	127	159	152	102	107
	178	205	124	158	152	102	107
	173	202	121	157	149	102	105
	167	199	117	156	146	102	103
	161	195	113	155	141	100	101
	154	191	108	153	136	98	96
	147	187	103	151	130	96	91
	140	183	98	149	124	94	86
	133	179	93	147	118	92	81
	126	175	88	145	110	90	76
	119	171	83	142	102	88	71
	111	167	78	139	94	86	66
	103	163	72	136	86	84	61
	95	159	66	133	78	82	56
	87	154	60	130	70	79	50
	79	149	54	127	62	76	44
	71	144	48	124	54	73	38
	63	139	42	121	46	70	32
	55	134	36	117	38	67	26
	47	129	30	113	30	64	20
	39	124	24	109	22	61	14
	31	119	18	105	14	58	8
	23	114	11	101	6	55	5
	15	109	5	96	5	51	5
	7	103	5	91	5	47	5
	5	97	5	86	5	43	5
	5	90	5	81	5	39	5
	5	83	5	76	5	35	5
	5	76	5	71	5	31	5
	5	69	5	66	5	27	5
	5	61	5	61	5	22	5
	5		5		5		5
		53		61		17	
		45		61		12	
		37		61		7	
		29		61		5	
		21		61		5	
		13		61		5	
		5		61		5	
		5		61		5	
		5		61		5	
		5		61		5	
		5		61		5	
		5		61		5	
		5		61		5	
		5		61		5	

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ousebound allowance increased from $57 to $61 per month and aid and attendance increased from $155 to $165.

Law 95–479 (H.R. 11886):

ovides increases in disability compensation rates for service- d veterans of 7.3 percent effective October 1, 1978. Statutory elating to more serious disabilities are also increased by 7.3

(2) A new provision would pay additional compensation to veterans who have suffered the loss or loss of use of three extremities.

(3) Provides a new statutory award of $175 monthly to certain veterans who have suffered the service-connected loss or loss of use of an extremity ratable at not less than 40 percent and who have subsequently suffered the non-service-connected loss or loss of use of the paired extremity at a level ratable at no less than 40 percent.

(4) Additional amounts for dependents which are paid to certain veterans are increased by 7.3 percent.

(5) Reduces from 50 percent to 30 percent the rate of disability required before additional compensation for dependents is payable to veterans.

(6) Provides a 7.3 percent increase in dependency and indemnity compensation rates for surviving spouses and children of veterans who died of service-connected causes.

(7) Provides dependency and indemnity compensation entitlement to survivors if the veteran immediately before death suffered total service-connected disability for 10 or more years or continuously since discharge for not less than 5 years. In the case of a surviving spouse, the marriage to the veteran must have been in effect for 2 or more years. Benefits may be paid from October 1, 1978 to surviving spouses and children of veterans whose deaths occurred prior to that date, providing the requirements for length of total disability and marriage are met.

(8) Provides for the first time additional dependency and indemnity compensation of $45 to a surviving spouse who, because of disability, is permanently housebound.

(9) Increases by 7.3 percent the housebound benefit presently payable to certain eligible veterans.

(10) Increases by 7.3 percent the aid and attendance allowance payable to eligible veterans and surviving spouses who require the regular aid and attendance of another person in their day-to-day activities.

(11) Provides for a second level of aid and attendance benefits for certain catastrophically disabled veterans needing a higher level of care.

(12) Clarifies the intent of the Congress to assure exemption from taxation of compensation paid in lieu of military retired pay.

(13) Increases the annual clothing allowance from $203 to $218 for veterans whose service-connected disabilities require the wearing or use of a prosthetic or orthopedic appliance which tends to wear or tear the clothing.

(14) Increases non-service-connected death burial allowance from $250 to $300.

(15) Increases service-connected death benefit from $800 to $1,100.

(16) Increases the automobile assistance allowance payable on a one-time basis to certain severely disabled veterans from $3,300 to $3,800.

(17) Extends eligibility for memorial markers for deceased veterans whose remains are unrecoverable.

(18) Requires the Veterans' Administration, in consultation with the Secretary of Defense, to conduct a prisoner of war study to assure that our former POW's are recieving needed compensation and health care benefits for disability due to their internment.

(19) Provides that the American Battle Monuments Commission mploy only U.S. citizens as superintendents and assistant supertendents of cemeteries they operate.

(20) Provides for the placement of a memorial plaque to honor ietnam era veterans in the Memorial Amphitheater of Arlington ational Cemetery.

(21) Increases Medal of Honor pension from $100 to $200 monthly ffective January 1, 1979.

The tables which follow outline the amounts of increases for serviceonnected disabled veterans:

	Increase (monthly rate)	
	From	To
rcentage of disability under which payment is authorized:		
(a) 10	$41	$44
(b) 20	75	80
(c) 30	113	121
(d) 40	155	166
(e) 50	216	232
(f) 60	272	292
(g) 70	322	346
(h) 80	373	400
(i) 90	419	450
(j) 100	754	809
gher statutory awards for certain multiple disabilities:		
(k) (1) Additional monthly payment for anatomical loss or loss of use of any of these organs: 1 foot, 1 hand, blindness in 1 eye (having light perception only), 1 or more creative organs, both buttocks, organic aphonia (with constant inability to communicate by speech), deafness of both ears (having absence of air and bone conduction)—for each loss	56	56
(2) Limit for veterans receiving payments under (a) to (j) above	937	1,005
(3) Limit for veterans receiving payments under (l) through (n) below	1,312	1,408
(l) Anatomical loss or loss of use of both hands, both feet, 1 foot and 1 hand, blindness in both eyes (5/200 visual acuity or less), permanently bedridden or so helpless as to require regular aid and attendance	937	1,005
(m) Anatomical loss or loss of use of 2 extremities so as to prevent natural elbow or knee action with prosthesis in place, blind in both eyes, either with light perception only or rendering veterans so helpless as to require regular aid and attendance	1,032	1,107
(n) Anatomical loss of 2 extremities so near shoulder or hip as to prevent use of prosthetics or anatomical loss of both eyes	1,172	1,258
(o) Disability under conditions entitling veteran to 2 or more of the rates provided in (l) through (n), no condition being considered twice in the determination, r deafness rated at 60 percent or more (impairment of either or both ears service-connected) in combination with total blindness (5/200 visual acuity or less)	1,312	1,408
(p) (1) If disabilities exceed requirements of any rates prescribed, Administrator of VA may allow next higher rate or an intermediate rate, but in no case may compensation exceed	1,312	1,408
(2) Blindness in both eyes (with 5/200 visual acuity or less) together with (a) bilateral deafness rated at 40 percent or more disabling (impairment of either or both ears service-connected) next higher rate is payable, or (b) service-connected total deafness of 1 ear next intermediate rate is payable, but in no event may compensation exceed	1,312	1,408
(3) Anatomical loss or loss of use of 3 extremities, the next higher rate in paragraphs (l) to (n) but in no event in excess of		1,408
(q) [This subsection repealed by Public Law 90–493.]		
(r) (1) If veteran entitled to compensation under (o) or to the maximum rate under (p), and is in need of regular aid and attendance, he shall receive a special allowance of the amount indicated at right for aid and attendance in addition to the (o) or (p) rate	563	604
(2) If such veteran in need of aid and attendance is also in need of a higher level of care by a qualified health care specialist		900
(s) Disability rated as total, plus additional disability independently ratable at 60 percent or over, or permanently housebound	843	905
(t) If veteran entitled to compensation under (a) through (i) and has suffered the loss or loss of use of an extremity as a result of a service-connected disability ratable at 40 per centum or more and has suffered the loss or loss of use of the paired extremity as a result of a non-service-connected disability that would be rated, if service-connected, at 40 per centum or more, the monthly rate of compensation payable to such veteran shall be increased by		175

In addition to basic compensation rates and/or statutory awards to hich the veteran may be entitled, dependency allowances are payable veterans who are rated at not less than 30 percent disabled. The rates which follow are those payable to veterans while rated totally disabled. If the veteran is rated 30, 40, 50, 60, 70, 80, or 90 percent disabled, dependency allowances are payable in an amount bearing the same ratio to the amount specified below as the degree of disability bears to total disability. For example, the veteran who is 50 percent disabled receives 50 percent of the amounts which appear below.

	Increase (monthly rate)	
	From	To
(A) Spouse alone	$46	$40
(B) Spouse with 1 child	77	[illegible]
(C) Spouse with 2 children	98	113
(D) Spouse with 3 children	120	137
Each additional child	22	27
(E) Child alone	30	34
(F) 2 children	52	61
(G) 3 children	77	[illegible]
Each additional child	22	27
(H) Each dependent parent	37	40
(I) Spouse in nursing home or so helpless as to require aid and attendance	83	[illegible]
(J) Each child (having attained the age of 18 but no more than 22) pursuing a course of instruction at an approved educational institution	70	75

INCREASES PROVIDED FOR WIDOWS OF DECEASED VETERANS WHOSE DEATHS ARE SERVICE-CONNECTED AND WHO ARE RECEIVING DEPENDENCY AND INDEMNITY COMPENSATION (DIC) PAYMENTS

Pay grade	From—	To—	Pay grade	From—	To—
E-1	$277	$297	W-3	$375	$406
E-2	286	307	W-4	397	422
E-3	293	314	O-1	350	376
E-4	311	334	O-2	362	388
E-5	320	343	O-3	388	416
E-6	327	351	O-4	409	439
E-7	343	368	O-5	451	484
E-8	362	388	O-6	507	544
E-9	[1] 378	[1] 406	O-7	550	590
W-1	350	376	O-8	602	646
W-2	364	391	O-9	647	[illegible]
			O-10[2]	[2] 708	[2] 760

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[1] If the veteran served as sergeant major of the Army, senior enlisted adviser of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps or master chief petty officer of the Coast Guard, the widow's rate is increased from $407 to $437.

[2] If the veteran served as Chairman of the Joint Chiefs of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, the widow's rate is increased $759 to $814.

Increases from $33 to $35 the additional DIC rate payable to surviving spouses for each child of the veteran under the age of 18.

Increases from $83 to $89 monthly the spouse's aid and attendance rate.

Provides additional compensation in the amount of $45 for a surviving spouse who is housebound.

When there is no widow receiving dependency and indemnity compensation, payment is made in equal shares to the children of the deceased veteran. These rates are increased as follows:

	Increase (monthly rate)	
	From—	To—
1 child	$140	$150
2 children	201	216
3 children	259	278
Each additional child	52	56

rom $83 to $89 the additional rate payable to a child who
the age of 18 but who became permanently incapable of
vhile under such age.

rom $140 to $150 the rate payable concurrently with
t to a widow with a child who has attained the age of 18
ame permanently incapable of self-support while under

rom $71 to $76 the rate payable to a child who has at-
e of 18 but is not more than 22 and is pursuing a course of
an approved educational institution concurrently with
t to surviving spouse.

95–588 (H.R. 10173) provides for major reform of the
onnected pension program effective January 1, 1979.
incipal purposes of the Act is to assure that VA pension
NEVER be reduced solely as a result of cost-of-living
ocial security payments. The Act automatically indexes
to the Consumer Price Index on the same basis as social
s, when social security rates are increased, iudividuals
ceive pension benefits under the Act will concurrently
ull cost-of-living increase in both pension and social
fits.

The maximum annual pension rate for a single veteran is
ning the veteran is receiving $2,500 in social security
ny other source of annuity payments) and $1,050 in VA
fits at the time social security rates are increased, and
urity increase factor was 6 percent, the maximum sup-
pension purposes would be calculated as follows:

ecurity benefits	$2, 500
ocial security increase	×. 06
al social security benefits	150
sion benefits	$1, 050
ension increase	×. 06
al pension benefits	$63

provide an additional $213 annual benefit. The annual
come support level would, as a result of the indexing, be
ercent from $3,550 to $3,763. Thus, the individual gets
increase of 6 percent as well as a full 6 percent increase
rity.

ill also assure all vereran pensioners a level of income
verty level. Under the reform program the maximum
n rate for a single veteran will be increased from $2,364
such veteran had no countable income, his VA pension
uld be at a rate of $3,550 annually. If such veteran had
ncome of $1,000 yearly from other sources, his pension
uld be at a rate of $2,550 annually.

ould provide an additional $800 to the applicable annual
for World War I veterans.

lso provides a 7.1 percent cost-of-living increase in
nd indemnity compensation benefits for needy parents
ho have died of service-incurred disease or injury.

The Act also substantially increases maximum annual pension rates:

	Prior maximum rate	New maximum rate
(a) Permanently and totally disabled veterans:		
Veteran alone	$2,364	$3,550
Veteran with 1 dependent	2,544	4,651
Each additional child		600
(b) Veterans who are so seriously disabled they require the constant assistance of an aide or attendant (A. & A.):		
Veteran alone	4,344	5,680
Veteran with 1 dependent	4,524	6,781
Each additional child		600
(c) Veterans who are housebound:		
Veteran alone	3,096	4,340
Veteran with 1 dependent	3,276	5,441
Each additional child		600
(d) 2 veterans married to one another		4,651
1 veteran entitled to A. & A.		6,781
Both veterans entitled to A. & A.		8,911
1 veteran housebound		5,441
Both veterans housebound		6,231
1 housebound, 1 A. & A.		7,571
(e) Veterans of World War I and Mexican Border period		(1)
(f) For surviving spouses:		
Widow alone	1,596	2,379
Widow with 1 child	1,908	3,116
Each additional child		600
(g) Rates for children:		
Children alone		600
Each additional child		600
(h) For surviving spouses needing aid and attendance:		
Widow alone	2,544	3,806
Widow with 1 child	2,856	4,543
Each additional child		600
(i) For surviving spouses who are housebound:		
Widow alone		2,908
Widow with 1 child		3,645
Each additional child		600

(1) Add $800 to applicable annual rate.

(2) Provides generally all income, regardless of source, of a veteran, and to the extent available to the veteran the income of the veteran's spouse and any child for whom pension is paid, shall be considered in determining the rate of pension except the following:

(a) Private or public welfare. Since the Act would assure income well above the poverty level, few if any pensioners would need welfare type assistance.

(b) Expenses of last illness and burial of veteran, child or spouse of veteran and just debts of deceased veteran.

(c) Proceeds of fire insurance.

(d) Profits realized from sale of nonbusiness property.

(e) Unreimbursed unusual medical expenses provided such expenses exceed 5 percent of basic pension rate.

(f) Amounts in joint accounts in bank acquired by reason of death of other joint owner.

(g) Amounts paid by veterans or surviving spouses who are so disabled as to require the regular aid and attendance of another person for tuition, fees, and books for a course of education or vocational rehabilitation; unusual transportation fees incurred in connection with pursuit of same.

(h) Postsecondary educational expenses, including tuition, fees, books, etc., paid by child.

(i) Earned income of a child not exceeding $2,950 annually.

(3) All available income of a surviving spouse and children of the veteran in her care shall be considered in determining the amount of pension payable to a surviving spouse after considering the above exceptions.

(4) Requires net worth of the estate of both the veteran and his spouse be considered by the Veterans' Administration in determining veteran's entitlement to receive or continue to receive pension.

(5) Requires net worth of the estate of the surviving spouse be considered by the Veterans' Administration in determining the surviving spouse's entitlement to receive or continue to receive pension.

(6) Requires net worth of a child's estate be given consideration by the Veterans' Administration in determining if the child is entitled to pension or if a veteran or surviving spouse shall be entitled to additional benefits for such minor child.

(7) Provides that future increases in VA pension be based on the Consumer Price Index on the same schedule governing social security benefits. Thus, increased pension payments will be at identical percentage rates and become effective on the same date as social security increases rather than at the end of the year as currently required. This permits concurrent cost-of-living increases in both pension and social security.

(8) Requires all recipients of VA pensions to file annual income and net worth reports with the Veterans' Administration.

(9) Requires any material change in a pensioner's estimated annual income, net worth or dependents must be promptly reported to the Veterans' Administration.

(10) Reductions or discontinuances of VA pension by reason of change in pensioners' income other than social security will occur on the last day of the month in which the increase became effective rather than at the end of the year.

(11) Permits payments of pension less often than monthly where monthly payments are less than 4 percent of the basic rate for a veteran alone.

(12) Protects persons receiving pension under the so-called current r Public Law 86–211 pension program or under the prior ("pro-ected") law. They may elect to receive benefits under this pension eform program or remain under the law now governing their payments. Such election is irrevocable:

A. If a pensioner does not elect to change to this reform pension program, the pension rates payable under the prior pension program will be "grandfathered"—that is, the rates will remain the same and not be subject to reduction when other income, including cost-of-living raises in social security payments, is increased. Exception to this protection is where employability is regained, a dependent no longer exists, net worth becomes excessive or there is a large gain in income, placing the claimant over maximum which will be increased yearly with the social security cost-of-living rates.

B. For persons receiving pension under the Public Law 86–211 program and who do not elect to receive benefits under this program, the annual income limits will be $4,038 for a veteran or surviving spouse without a dependent and $5,430 for a veteran or surviving spouse with a dependent. The income limits under the prior ("protected") law will be $3,534 and $5,098. These limits will be automatically increased each year on the same schedule governing social security benefits.

(13) Provides a grace period for elections under the new law. Elections received by the Administrator prior to October 1, 1979, will be considered as having been filed on the effective date of the law for the purpose of retroactive payments.

(14) Provides that the effective date of this reform pension program shall be January 1, 1979. Pension claims filed with the Veterans' Administration on and after that date—except for the following categories—shall be adjudicated only under the provisions of this reform pension program:

A. A claim pending in the Veterans' Administration on December 31, 1978, may be adjudicated under the provisions of the pension program in effect at that time.

B. A veteran's claim for pension filed after December 31, 1978, and within 1 year after the date on which such veteran became totally and permanently disabled before January 1, 1979, may be adjudicated under the provisions of the pension program in effect as of December 31, 1978.

C. A claim for death pension filed after December 31, 1978 and within 1 year of the date of the veteran's death if death of such veteran occurred before January 1, 1979, may be adjudicated under the provisions of the pension program in effect as of December 31, 1978.

(15) Increases from $500 to $1,000 the amount of income by which veterans receiving aid and attendance benefits may exceed maximum income limits in order to continue to be furnished drugs and medicines by the Veterans' Administration.

(16) Requires the Administrator, in consultation with the Secretary of State, to carry out a comprehensive study of the income characteristics of wartime veterans and their survivors living outside the United States and the District of Columbia, including those who are receiving pension.

SUBCOMMITTEE ON MEDICAL FACILITIES AND BENEFITS

The largest health care delivery system in the United States is operated by the Veterans Administration.

During FY 1978 the Veterans Administration health care system was providing care in 172 hospitals, one independent domiciliary, and 48 satellite or independent clinics. All of the medical centers provided hospital and outpatient care. In addition, 90 of the hospitals operated nursing home care units and 15 operated domiciliaries. Veterans were also given care under VA auspices in non-VA hospitals and in community nursing homes. In addition, the VA authorized on a fee-for-service basis visits to non-VA physicians and dentists for outpatient treatment, and supported veterans receiving hospital, nursing home or domiciliary care in 40 States Homes operated by 31 states and the District of Columbia.

Also during FY 1978, the VA provided care under CHAMPVA (Civilian Health and Medecal Program, Veterans Administration) to an average daily in-patient census of 480 and a total of 182,000 outpatient fee visits to community physicians. CHAMPVA is provided the wife or child of a veteran who has a total disability, permanent in nature, resulting from a service-connected disability, and the widow or child of a veteran who died of a service-connected disability, or at the time of the veteran's death, he had a total disability, permanent in nature, resulting from a service-connected disability. Through agreement with the Secretary of Defense, this program (CHAMPVA) is administered by the same Defense Agency that administers it's counterpart program for dependents of retired members of the Uniformed Services.

The Subcommittee on Medical Facilities and Benefits has legislative and oversight responsibilities for this health care system. It has the responsibility to see that the very best medical care is available to veterans.

On August 2, 1973, the Congress enacted and the President signed Public Law 93-82 which directed the Veterans' Administration to contract with the National Academy of Sciences to study the VA health care system extensively "to determine a basis for the optimum numbers and categories of such personnel and other resources needed to insure the provision to eligible veterans of high quality care in all VA hospital, medical, domiciliary and nursing home facilities."

The primary purpose of P. L. 93-82 was to have the National Academy of Sciences conduct an extensive review and appraisal of personnel and other resource requirements in the Veterans' Administration hospitals, clinics and other medical facilities to determine a basis for the optimum numbers and categories of such personnel and other resources needed to insure the provision of eligible veterans of high quality care in all such VA facilities. Subsequent to the passage of Public Law 93-82, the scope of the contract was somehow expanded and the final product cost $7.3 million.

The conclusions and recommendations of the study caused considerable concern in the Congress, in veterans' organizations, among veterans and their families, and among the general public. These concerns were escalated to a major degree by a press release and press conference held by the National Academy of Sciences on June 12, 1977. The resulting media coverage of the study stressed all of its negative points, many of which appear to be inaccurate, and none of the positive ones. As a result, Members of Congress, and especially those on this Subcommittee, received inquires from all over the country directly related to the press coverage of the report.

Consequently, the leadership of the Committee concluded that hearings on the NAS report were necessary.

The Subcommittee on Medical Facilities and Benefits held hearings July 19, 20, 21, Sept. 29 and Nov. 1, 1977, regarding the National Academy of Sciences' study entitled "Health Care for American Veterans."

The deficiencies reported by the Academy's study were already known by the VA and this Committee. In fact, it was because of these deficiencies that Public Law 93-82 was enacted in the first place. The Administrator of Veterans' Affairs and the Chief Medical Director testified that they knew of these deficiencies before the NAS study began and that significant corrective action at that time had been planned and in most instances, begun and that they had been proceeding effectively.

The question asked by the Subcommittee was, "Does the report by the Academy respond to the question of Congressional mandate?"

The subcommittee spent 5 months analyzing the Academy's report. It conducted 5 days of hearings with the academy, veterans' organizations, the Veterans Administration and other concerned veterans. The Subcommittee concluded that this study did not bring them nearer to a solution of the problems which the Congress had hoped to resolve.

The Administrator of Veterans' Affairs made the management decision during the September 29th hearing that the National Academy of Sciences did not comply with the terms of the VA contract. The Subcommittee was satisfied that the Academy did not comply with the mandate of Public Law 93–82. Consequently, Mr. Satterfield, chairman of the subcommittee, wrote the General Accounting Office to request that it immediately undertake a fiscal audit of the VA contract with the National Academy of Sciences for this study to determine how such a large sum of money was spent on this contract and to determine if it was spent properly.

On-site oversight hearings enable the Subcommittee on Medical Facilities and Benefits to evaluate first-hand conditions in VA hospitals. Two on-site hearings were held during the 95th Congress.

On July 1, 1974, the Philadelphia VA hospital and the outpatient clinic located at 1421 Cherry Street in Philadelphia were consolidated under single management.

After the consolidation was effected, the Committee on Veterans' Affairs began to receive complaints from individual members of Congress from this area, as well as veterans. The complaints dealt with questions concerning lack of sufficient personnel in the clinic, arbitrary decisions on the part of management regarding the types of services to be provided in the clinic, long delays in obtaining treatment and getting prescriptions filled, the question of adequate leadership in the clinic, low employee morale, inadequate planning and lack of communication, and other administrative and health delivery problems.

Several service officers and representatives of the various veterans' organizations joined in these complaints.

These problems were brought to the attention of the Administrator of Veterans Affairs and other officials in the Veterans Administration and actions were taken to clear up the difficulties.

On July 23, 1977, the Subcommittee on Medical Facilities and Benefits held hearings to ascertain if the problems still existed and, if so, to determine what the Subcommittee could do to aid and assist in providing the highest quality medical care on a timely basis.

Further on-site oversight hearings were held in Asheville, North Carolina on July 25, 1977, by the Subcommittee on Medical Facilities and Benefits. The purpose of the hearing was to examine the VA medical program in North Carolina and obtain information with regard to the quality of medical care being provided veterans and to determine if the medical programs are being carried out as authorized and intended by Congress.

Possible adverse health effects of a herbicide, commonly known as Agent Orange, was also investigated by the subcommittee. Testimony was received from various officials of the executive branch on Oct. 11, 1978, concerning the use of Agent Orange in Vietnam during the early 1960's until the early 1970's. The purpose of the hearings was not to inquire into the validity of the use of Agent Orange in Southeast Asia but to consider whether exposure to that herbicide had any adverse effects on health, particularly with respect to the Vietnam veteran population. The subcommittee determined that studies on Agent Orange are on going and should continue until valid conclusions regarding the effects of Agent Orange are available.

Herewith follows a summary of legislature intiatives taken by the Subcommittee on Medicare Facilities and Benefits:

Public Law 95-62 (H.R. 3695), effective July 5, 1977, revises and improves the program of making grants to the States for the construction, remodeling, or renovation of State home facilities, for furnishing hospital, domiciliary, and nursing home care for eligible veterans.

The Act reenacted two State home grants programs in a single provision of law; authorized the use of funds for the construction of new State home domiciliaries in the same manner as is now provided for State nursing home care construction; specifically authorizes the use of funds appropriated for whichever phase of the program (construction or remodeling) the Administrator of Veterans' Affairs deems most needed; and increases the appropriation authorization to provide financial assistance toward other badly needed State home facilities.

The Act enabled the Veterans' Administration to grant eligible States $15 million for fiscal years 1978 and 1979, an annual increase of $5 million.

Public Law 95–201 (H.R. 8175), effective October 1, 1977:

(1) Extends the authority of the Administrator of Veterans' Affairs to pay special pay and incentive special pay to physicians and dentists in the Department of Medicine and Surgery of the Veterans' Administration (authorized by Public Law 94–123, as amended) from the close of the delimiting date of September 30, 1977 until September 30, 1978.

(2) Provides the Chief Medical Director with authority to extend present contracts or agreements and to enter into new contracts and agreements for any period of service, but not beyond September 30, 1981.

(3) Provides for reevaluation by the Chief Medical Director of any agreement entered into after April 30, 1978 for special pay and incentive special pay in view of the executive level pay increase made by the Federal Salary Act of 1967, effective February 27, 1977, to determine the need for the continuation of special pay agreements authorzed by section 4118 of title 38, United States Code, in order to recruit and retain highly qualified physicians and dentists in each category of position in the Department of Medicine and Surgery. The Administrator, on recommendation of the Chief Medical Director and based on such reevaluation, may promulgate regulations reducing the amount of special pay for any category to the extent he finds it not necessary.

(4) Prohibits the appointment of any individual serving in a direct patient care capacity unless a determination is made that the individual possesses basic proficiency in spoken and written English to a degree that will permit communication with patients and other health

care personnel to enable the individual to carry out his/her he
care responsibilities in a satisfactory manner.

(5) Requires the Administrator of Veterans' Affairs to prescribe
regulation the identification of sufficient numbers of individuals flu
in English and in the language most appropriate in VA facilities se
ing a substantial number of veterans with limited English-speak
ability.

(6) Prescribes the salary schedule for the Director of the Podia
Service under section 4103, title 38, and the salary schedule for clin
podiatrists and optometrists under section 4107 of title 38, effec
retroactive to October 21, 1976.

Public Law 95–311 designated the proposed new Veterans' Adm
istration Hospital in Little Rock, Arkansas, as the "John L. McCle
Memorial Veterans' Hospital."

Public Law 95–353 designated the Veterans' Administration Cen
located at 1901 South First Street, Temple, Tex., as the "Olin
Teague Veterans' Center." This provision is effective January 4, 1

This Act also designated the Veterans' Administration hospital
Tampa, Fla. as the "James A. Haley Veterans' Hospital"; the Vetera
Administration hospital in Bedford, Mass., as the "Edith Nou
Rogers Memorial Veterans' Hospital", and the Veterans' Administ
tion hospital in Columbia, S.C., as the "Wm. Jennings Bryan D
Veterans' Hospital" These provisions were effective August 28, 1

The provisions of Public Law 95–520, the Veterans' Administra
Programs Extensions Act of 1978, effective October 26, 1978, ar
follows:

EXTENDS AUTHORITY FOR THE VETERANS' ADMINISTRATION TO PROV MEDICAL CARE AND NURSING HOME CARE TO CERTAIN VETERANS THE PHILIPPINES

The Act extends until September 30, 1981 the current authorit
the President to assist the Republic of the Philippines in provid
medical care and treatment and nursing home care to certain Comm
wealth Army veterans and new Philippine Scouts, and authorizes
Administrator of Veterans' Affairs to continue to maintain an o
in the Republic of the Philippines.

EXTENSION OF THE VETERANS' ADMINISTRATION PHYSICIAN DENTIST PAY COMPARABILITY ACT OF 1975, AS AMENDED

It also extends the authority of the Administrator of Veter
Affairs to provide primary pay special and incentive special pa
physicians and dentists in the Department of Medicine and Surg
of the Veterans' Administration (authorized by Public Law 94–
as amended) until September 30, 1981.

EXTENDS AUTHORITY FOR CONTRACT MEDICAL CARE AND SERVICES IN ALASKA, HAWAII, THE TERRITORIES AND POSSESSIONS OF THE UNITED STATES, AND THE COMMONWEALTH OF PUERTO RICO

The Act authorizes the Administrator to furnish hospital care or medical services, to obviate the need for hospital admission for veterans in a State, territory, possession or Commonwealth not contiguous to the 48 contiguous States. The authority to furnish such care expires on December 31, 1981, except with respect to care furnished in Alaska and Hawaii.

AUTHORIZATION OF APPROPRIATIONS FOR HEALTH MANPOWER TRAINING GRANTS

The Act provides the appropriation authority for fiscal year 1979 for health manpower training grants approved by the VA before May 1, 1978. The VA Medical School Assistance and Health Manpower Training Act (Public Law 92-541) authorized a program of grants to academic institutions which, in affiliation with VA health care facilities, conduct programs of education and training in health professions and occupations.

STUDY OF HOSPITAL CARE AND MEDICAL SERVICES PROVIDED TO VETERANS IN THE COMMONWEALTH OF PUERTO RICO AND THE VIRGIN ISLANDS

It requires the Veterans' Administration to conduct a comprehensive study of medical care for veterans in the Commonwealth of Puerto Rico and the Virgin Islands, and to report the results to the Congress and to the President not later than February 1, 1980.

VETERANS EMPLOYMENT

Extends the special Veterans Readjustment Appointing (VRA) authority for Vietnam veterans which was authorized by Executive Order No. 11521 in April, 1970, and incorporated into law in 1974 (Public Law 93-508).

The primary purpose of the VRA is to assist Vietnam and disabled veterans to develop skills through a program combining employment and education and training. The appointment is to be made only under a training or education program developed by a Federal department or agency, in accordance with guidelines established by the Civil Service Commission.

The VRA program has resulted in more than 100,000 veterans being employed under the authority created. Ending this program would not be in keeping with national policy to extend every effort to help Vietnam era and disabled veterans find satisfactory training and employment. Many Vietnam era veterans did not have an opportunity to take advantage of the VRA program within 1 year from the date of their discharge. Extending the VRA should be extremely helpful in lowering the unemployment rate among Vietnam and disabled veterans. The VRA program as embodied in Public Law 93-508 expired on June 30, 1978.

The Act extends the period of eligibility authorized by Public Law 93–508 for noncompetitive excepted VRA appointments in the Federal Government for veterans of the Vietnam era with no more than 14 years of education until September 30, 1981. In the case of disabled veterans, there are no education limitations. Further, it raises the maximum grade level from GS–5 to GS–7, or its equivalent, without any time limitation with respect to eligibility for such an appointment.

IMPLEMENTATION OF PUBLIC LAW 95–588, THE VETERANS' AND SURVIVORS PENSION IMPROVEMENT ACT OF 1978

The Act authorizes the appropriation of $5 million for the fiscal year 1979 for the implementation of the Veterans' and Survivors Pension Act of 1978 (H.R. 10173).

SUBCOMMITTEE ON HOUSING

The Subcommittee on Housing has jurisdiction over the entire Veterans Administration housing program. More than 10 million veterans have received G.I. home loans valued at over $155 billion during the past 34 years. In terms of dollar value, a record $27.7 billion in home loans were granted to veterans in just the past two fiscal years.

Following are the numbers and dollar amounts of loan origination activity for fiscal year 1978 and the projected figures for fiscal year 1979:

	Actual, fiscal year 1978	Estimated, fisca year 197
GI loans closed:		
Number	380, 472	376, 40
Amount	$14, 651, 000, 000	$16, 104, 000, 00
Direct loans closed:		
Number	1, 830	2, 20
Amount	$46, 822, 000	$67, 133, 00

The Loan Guaranty Program provides housing credit assistance whereby mortgage credit needs of veterans and service personnel for the purchase of homes, condominium units and mobile homes and/or lots may be satisfied by private capital on more liberal terms than generally available to nonveterans, without the assumption of undue risks by the Federal Government.

Assistance is chiefly through substituting the Government's guaranty on loans in lieu of the substantial downpayments, relatively short terms and other investment safeguards applicable to conventional mortgage transactions.

The loan may be used to purchase a home; to purchase a residential unit in certain condominium projects; to build a home; to repair, alter, or improve a home; to refinance an existing home loan; to improve a home by installing solar heating or other energy conservation measures; to buy a mobile home with or without a lot; or to buy a lot for a mobile home the veteran already owns.

In addition, a Direct Loan Program is available which provides credit assistance to veterans living in rural and remote areas where private credit for guaranteed loans is not generally available and the Administrator has declared the area to be a "credit shortage area." Such loans may be made to purchase, construct, improve, alter or repair a home, or to refinance an existing home loan.

Loans are available to veterans with sufficient qualifying service since September 16, 1940; for unmarried surviving spouses of veterans who died from service-connected causes; for spouses of service personnel officially listed as missing in action, or captured, for more than 90 days; and for service personnel who have served at least 181 days.

The maximum entitlement available is $25,000.

Loan Maximums

There are no specific loan maximums established for VA loans. However, no loan may exceed the amount determined to be reasonable by VA for the particular transaction, except that certain fees and charges may be added to that amount in connection with a mobile home and included in the loan. Veterans should consult with the VA for more specific information.

Eligible veterans must make their own arrangements for loans through the usual lending channels, such as banks, savings and loan associations, building and loan associations, mortgage loan companies, etc.

The lender making GI loans for the purchase of homes (no mobile homes or lots), farm homes, condominium units, or refinancing of existing mortgage loans or liens secured of record on a veteran's dwelling is guaranteed against loss up to 60 percent of the loan with maximum guaranty of $25,000. On mobile home and/or lot loans, the amount of guaranty is up to 50 percent of the loan with maximum guaranty of $17,500.

Maximum interest rate on GI loans may vary due to changes in market conditions. Once a loan is made, the interest remains the same for the life of the loan. In obtaining loans for the refinancing of existing mortgage loans or other liens of record, veterans may pay discounts of reasonable amounts. Discounts may also be paid under certain other conditions, and the local VA office or lender should be consulted for information.

The loan terms are subject to negotiation between the veteran and he lender. The repayment period or maturity of GI home loans may be as long as 30 years and 32 days. Mobile home loans for the purchase of a double-wide mobile home, with or without a lot, may be for as ong as 20 years and 32 days. Loans for single-wide homes with or without a lot, or for a lot only may be for up to 15 years and 32 days. The VA does not require that a downpayment be made. However, he amount of a loan may not exceed the amount determined to be easonable by VA for the transaction. That amount is based upon an ppraisal except in the case of a new mobile home where it is based on the manufacturer's invoice. If the purchase price exceeds the easonable value, the veteran must certify that the difference between he purchase price and the loan amount is being paid in cash from he veteran's own resources.

Upon request to the VA when a veteran sells residential property nanced with a GI loan, an original veteran borrower may be released rom liability to the Government, provided the loan is current and the purchaser has been obligated by contract to purchase the propert and assume all of the veteran's liabilities and the VA is satisfied th the purchaser is a good risk.

"Wheel Chair Homes"

Certain veterans of wartime or peacetime service may be entitle under certain conditions to a grant from VA for a "wheelchair home especially adapted to their needs. Grants of not more than 50 percen up to a maximum of $30,000, may be available to pay part of the cos of building, buying or remodeling homes or paying indebtedness o homes already acquired.

Veterans must have a service-connected disability due to war o peacetime service after April 20, 1898, entitling them to compensatio for permanent and total disability due to:

(1) the loss, or loss of use of both lower extremities, such as t preclude locomotion without the aid of braces, crutches, cane or a wheelchair, or

(2) disability which includes (a) blindness in both eyes, havin only light perception, plus (b) loss or loss of use of one lowe extremity, or

(3) the loss or loss of use of one lower extremity together wit (a) residuals of organic disease or injury, or (b) the loss or los of use of one upper extremity, which so affects the functions o balance or propulsion as to preclude locomotion without resor to braces, canes, crutches or a wheelchair.

The liberalization of many aspects of the VA home loan program was the result of legislation recommended by the Subcommittee o Housing during the 95th Congress. Eligibility for specially adapte housing grants was expanded in Public Law 95–117, enacted durin the 1st session of the 95th Congress, to include service-connecte disabled veterans whose ambulation is impaired by the loss or loss o use of one upper and one lower extremity.

Spiralling inflation has affected all areas of the national economy Housing costs, particularly, have greatly increased the past five years Because of a desire to enable this nation's veterans and servicepersons to have adequate housing, the Subcommittee on Housing held numerous hearings regarding possible means of improving and updating th VA housing programs. The subcommittee received testimony regarding proposed amendments to the conventionally built home and mobil home loan guaranty programs, and the specially adapted housin program administered by the Veterans Administration.

The Subcommittee explored the need for energy-related hom improvements and the potential involvement of the VA in the area home solar heating.

The result of these hearings and investigations was Public La 95–476, the Veterans' Housing Benefits Act of 1978. A summary this Act is included at the end of this section.

Herewith follows a summary of legislative initiatives taken by th Subcommittee on Housing.

Public Law 95–476 (H.R. 12028), effective October 1, 1978, improv and updates the current conventionally built home and mobile hom loan guaranty programs, and the specially adapted housing progra administered by the Veterans' Administration. In addition, the Act authorizes the Administrator of Veterans' Affairs to establish and apply criteria for VA educational loan assistance; and liberalizes certain cemeteries and burial benefits programs administered by the Veterans' Administration.

The Act specifically provides for the following: Increases the maximum specially adapted housing grant from $25,000 to $30,000. This change will benefit approximately 3,800 severely disabled veterans over the next 5 years.

Reduces, from 181 to 90 continuous days, the minimum period of active duty service required of Vietnam era veterans in order to qualify for VA home loans benefits. This will provide entitlement for approximately 168,000 Vietnam era veterans.

Increases the maximum VA home loan guaranty from $17,500 to $25,000.

Restructures the mobile home loan program to more closely parallel that for conventionally built homes. It would eliminate the current multiple statutory maximum loan amounts and substitute a maximum guaranty in the amount of $17,500 It would also increase the maximum term of years for which loans are financed from 12 years and 32 days to 15 years and 32 days where the loan is for the purchase of a lot, single-wide mobile home, or a single-wide mobile home and a lot. It would impose the same criteria for restoration of entitlement as applies to restoration of entitlement for used conventionally built homes. Finally, it provides that a veteran who obtains a mobile home loan will have the opportunity to use his or her partial or remaining entitlement.

Authorizes the Administrator of Veterans' Affairs to guarantee loans for energy-related and other home improvements at a rate of interest which may be higher than the interest rate allowed for the acquisition of a home or condominium. Generally, the interest rate will be lower than that charged for conventional home improvement loans.

Authorizes the guarantee of loans for the purchase of a one-family residential unit in a VA-approved converted condominium housing development or project.

Authorizes inspection of mobile home plants by the Department of Housing and Urban Development (HUD) for the VA. It would also require that the VA monitor safety factors involved in the installation of mobile homes and conduct random onsite inspections to assure compliance with standards of safety.

Provides authority for the Administrator to establish and apply criteria for the receipt of GI education loans in order to insure that such loans are made on the basis of financial need directly related to the costs of education.

The Administrator will be permitted to pay a cash amount (not to exceed the average actual cost of a Government headstone or marker) in lieu of a VA-provided headstone or marker, as reimbursement for the actual costs incurred by a veteran's survivors in acquiring a headstone or marker for placement in any cemetery, other than a national cemetery, in connection with the burial or memorialization of the deceased veteran. Further, the headstone or marker may be made of any material (marble, granite, bronze, slate, or other) so long as it is aesthetically compatible with the cemetery, if placed in a national cemetery, and durable enough to be cost-effective.

Provides authority for the Administrator to enter into 50–5 matching grant agreements with States for the establishment, expansion, and improvement of State veterans' cemeteries. It permits State to count up to 50 percent of the value of land set aside for thi purpose as a portion of its share.

Finally, the Act requires the Administrator of Veterans' Affair to pay $150 allowance to any State or agency or political subdivisio of a State in reimbursement for expenses incurred in the burial o each veteran in any cemetery owned by such State or agency o political subdivision of a State, if the cemetery or section thereof i used solely for the interment of veterans.

Two bills were recommended by the Subcommittee on Housing, passed by the House, but never acted on by the Senate. Similar provisions to these bills, however, were included in other bills and became Public Law.

H.R. 7658 would have provided a modest liberalization of the law by extending the specially adapted housing assistance to veterans with a compensable permanent and total service-connected disability resulting from the loss, or loss of use, of one upper and one lower extremity.

Although the Senate never acted on H.R. 7658, the provisions of the bill were included in a Senate amendment to H.R. 1862. This became Public Law 95–117.

H.R. 4341 would have repealed the requirement which provided that the Administrator shall, from time to time, inspect the manufacturing process of mobile homes to be sold to veterans and conduct random on-site inspections of mobile homes purchased with a Veterans Administration guaranteed loan.

The Senate took no action on H.R. 4341. However, when the House passed H.R. 12028, it included a provision identical to H.R. 4341. The Senate amended this provision, thereby authorizing the Administrator of the Veterans' Administration to delegate its responsibility for mobile home plant inspections to the Department of Housing and Urban Development. The Senate amendment also required that the VA monitor safety factors involved in the installation of mobile homes and conduct random on-site inspections to assure compliance with standards of safety. These amendments became provisions of Public Law 95–476.

SUBCOMMITTEE ON CEMETERIES AND BURIAL BENEFITS

On June 18, 1973, the National Cemeteries Act of 1973 was signed into law and became Public Law 93–43. This act established a National Cemetery System within the Veterans Administration. The responsibility for most Federal cemeteries was transferred to the VA, with the following exceptions: Arlington National Cemetery; several military post cemeteries; cemeteries located in national parks operated by the Department of the Interior; cemeteries located at the three military academies; the U.S. Soldiers' Home in Washington, D.C.; the U.S. Naval Home in Philadelphia, Pa., and memorial cemeteries in foreign lands, which remain under the jurisdiction of the American Battle Monuments Commission.

The National Cemeteries Act of 1973 directed the Veterans Administration to study and submit recommendations to Congress, not later than January 1974, concerning: (*a*) Criteria to govern development and operation of the National Cemetery System, including the concept of regional cemeteries; (*b*) the relationship of the new National Cemetery System to other burial benefits for servicemen and veterans; (*c*) steps to be taken to conform the existing system to the recommended criteria; (*d*) private burial and funeral costs in the United States; (*e*) the current headstone and marker program; and (*f*) the marketing and sales practices of non-Federal cemeteries and interment facilities, directed specifically toward veterans and their dependents.

The National Cemeteries Act also directed the VA, in conjunction with the Secretary of Defense, to conduct a study concerning: (*a*) The future of Arlington National Cemetery; (*b*) present eligibility requirements for burial in Arlington; and (*c*) the need for another national cemetery in or near the District of Columbia.

General oversight hearings on the National Cemeteries Act was held by the Subcommittee on Cemeteries and Burial Benefits in May, 1977. These were the first oversight hearings since the VA submitted its report to the Congress in 1974.

The purpose of these hearings was to determine the status of the National Cemetery System, to discuss the VA's expansion program and the role of Congress in the site selection. Also considered were the criteria for burial in Arlington National Cemetery and the feasibility of transferring jurisdiction for Arlington National Cemetery and Army posts cemeteries to the VA.

Congress passed Public Law 94–495, which authorized $300,000 for the Architect of the Capitol to do some repair work at Congressional Cemetery and to study and make proposals for the permanent maintenance of the cemetery. The subcommittee held hearings to determine what steps should be taken with respect to Congressional Cemetery.

The Subcommittee on Cemeteries and Burial Benefits met on July 15 and 16, 1977 in Riverhead, New York regarding the establishment of a 902-acre national cemetery near Calverton, New York. The purpose of the hearing was to enable the subcommittee to observe the site selected by the Veterans Administration and hear the views, both pro and con, on the issue of the site location. Following the hearings, the subcommittee expressed its support of the VA decision to establish this cemetery.

Continued oversight and legislative hearings of the National Cemetery System and the burial benefits program were held in the 2d session of the 95th Congress. As a result of these hearings, many existing programs were liberalized and new programs created. Several provisions to assist states in the burial of veterans and to assist in the establishment of state veterans cemeteries were enacted into law.

In 1978, the U.S. Senate debated and ratified a treaty making major changes in the administration of the Panama Canal.

Prior to the ratification of the treaty, members of the Subcommittee on Cemeteries and Burial Benefits felt that there were some unanswered questions about Corozal Cemetery on the Pacific side of the zone and Mount Hope Cemetery on the Atlantic side. These two cemeteries are under the jurisdiction of the Panama Canal Company and were first established for the burial of company employees.

The company is a corporate agency of the U.S. Government, operated by a Board of Governors appointed by the Secretary of the Army. Management of the cemeteries is by a staff similar in status to career Civil Service personnel and includes U.S. military officers.

Mount Hope Cemetery contains the graves of 1,332 Americans, 175 of them veterans. It also contains the graves of 36,878 non-Americans who were involved in some way with the construction or operation of the canal.

The Corozal Cemetery contains the graves of 741 veterans. In both cemeteries, veterans' graves are scattered throughout, not contained in a restricted area for veterans only. In the draft of the Panama Canal Zone Treaty, according to the State Department, the Corozal Cemetery would remain under U.S. control until the Canal is completely returned to the control of the Government of Panama. Mount Hope Cemetery would pass immediately to Panamanian control after the treaty is ratified. It was the understanding of the subcommittee that there was no provision in the treaty for maintenance of Mount Hope.

The State Department and the Department of the Army had informed the subcommittee that three alternatives were being considered: One, negotiate an agreement with Panama to preserve and maintain these cemeteries; two, authorize the American Battle Monuments Commission to assume responsibility for maintaining the graves; and three, to seek enactment of legislation that would provide for the disinternment and reinternment of veterans' remains in a national cemetery in the United States at Government expense.

The subcommittee felt it should look to these or other alternatives to make sure the grave sites of American veterans buried in the Panama Canal Zone would continue to receive the same fine care and respect they had been accorded in the past.

On March 1, 1978, the Subcommittee met in open session regarding the disposition of Corozal Cemetery and Mount Hope Cemetery. Witnesses included representatives of the American Battle Monuments Commission, Panama Canal Company, Department of the Army, Department of State, and Veterans of Foreign Wars.

As a result of the interest and concern expressed by the Subcommittee on Cemeteries and Burial Benefits, the Senate, in giving its advice and consent to the treaty concerning the permanent neutrality and operation of the Panama Canal, adopted by a vote of 96 yeas to 1 nay a reservation which made certain that the Americans buried in these cemeteries will receive proper care.

The reservation provided that the executive branch would proceed to arrange for the orderly removal, at Government expense, of American remains from Mount Hope Cemetery. The reservation stated that every effort must be made to notify the next of kin who could request that the remains not be moved. The remains would then be transferred to Corozal Cemetery, unless the next of kin requested transfer to a U.S. national cemetery.

The reservation also called for negotiation of an executive agreement between the United States and Panama, whereby the operation of Corozal Cemetery would be taken over by the American Battle Monuments Commission. In addition, the agreement provided that the American flag would be flown over the Corozal Cemetery in the section where the Americans are interred.

Herewith follows the summary of congressional initiatives taken by the Subcommittee on Cemeteries and Burial Benefits:

H.R. 7628 related to the assignment of retired military personnel o the American Battle Monuments Commission. It would have rovided that any retired member of the Armed Forces recalled to ctive duty and detailed to full-time duty with the American Battle Ionuments Commission shall not be chargeable against the authorized nd strengths and grade limitations of the Department of Defense or he military departments concerned nor to any administrative ceiling hich may have been, or may be, established by the Secretary of Defense.

This bill was passed by the House, but the Senate took no action n it.

Several bills were recommended by the Subcommittee on Cemeteries nd Burial Benefits and passed by the House, but not acted on by the enate. Provisions similar to these bills were included in Senate mendments to other House bills, however.

H.R. 12252 would have removed the Administrator's discretion and equired the payment of the $150 plot or interment allowance in any ase where an eligible veteran is buried in a cemetery or section of a emetery which is owned by any State or any agency or political ubdivision of a State, and which is used solely for the interment of eterans. In any case in which an eligible veteran is buried in a emetery other than the one described above, no claim for such plot interment allowance shall be allowed for more than the difference etween the entire amount of the expenses incurred, and the amount aid or assumed by any State or any agency or political subdivision a State, or by the employer of the deceased veteran.

H.R. 12252 was not considered by the Senate; however, a similar ovision was included in H.R. 12028, as amended, and signed by the resident. This became Public Law 95–476.

When H.R. 12257 was passed by the House,the Administrator of eterans' Affairs did not have the authority to furnish an appropriate emorial headstone or marker to commemorate veterans who die ter being discharged from the service, and whose remains have not en recovered or identified or were buried at sea.

H.R. 12257 would have removed the requirement that death occur ile in the service, making the law applicable to all veterans who ved in the active military, naval, or air service, and who were charged or released therefrom under conditions other than dis- norable.

H.R. 12257 was not considered by the Senate; however, a similar vision to furnish memorial markers for veterans whose remains unrecoverable was included in H.R. 11886, as amended, and ned by the President. This became Public Law 95–479.

.R. 12258 would have increased the maximum which the Ad- istrator of Veterans' Affairs may pay for the funeral expenses of eteran from $250 to $350.

To be eligible for this payment of burial expenses, the deceased veteran must have been discharged under conditions other than dishonorable and have been either a wartime or Korean conflict or Vietnam era veteran; or a peacetime veteran entitled to service-connected compensation at the time of death or discharge or retired for disability incurred in the line of duty. Claim must be filed within two years after permanent burial or cremation.

H.R. 12258 was not considered by the Senate; however, a similar provision to increase the allowance from $250 to $300 was included in H.R. 11886, as amended, and signed by the President. This became Public Law 95–479.

H.R. 12261 would have paid tribute to those members of the U.S. Armed Forces who served honorably in Southeast Asia during the Vietnam conflict. The bill would have authorized the Secretary of Defense to have placed in the Trophy Hall of the Memorial Amphitheater at Arlington National Cemetery a memorial plaque suitable for display before an international audience, which shall bear the following inscription:

The people of the United States of America pay tribute to those members of its Armed Forces who served honorably in Southeast Asia during the Vietnam conflict.

To further honor those members of the Armed Forces who lost their lives in hostile action in Southeast Asia during the Vietnam conflict, the Secretary of Defense was authorized to place near the plaque, in a suitable respository, a display of the Purple Heart Medal and other medals, ribbons, and decorations associated with service in Southeast Asia during the Vietnam conflict.

H.R. 12261 was not considered by the Senate; however, a similar provision was included in H.R. 11886, as amended, and signed by the President. This became Public Law 95–479.

Public Law 95–476 contains two provisions relating to the VA cemetery system that were amendments to H.R. 12028 and supported by the Subcommittee on Cemetery and Burial Benefits.

One provision states that the Administrator will be permitted to pay a cash amount (not to exceed the average actual cost of a Government headstone or marker) in lieu of a VA-provided headstone or marker, as reimbursement for the actual costs incurred by a veteran's survivors in acquiring a headstone or marker for placement in any cemetery, other than a national cemetery, in connection with the burial or memorialization of the deceased veteran. Further, the headstone or marker may be made of any material (marble, granite, bronze, slate, or other) so long as it is aesthetically compatible with the cemetery, if placed in a national cemetery, and durable enough to be cost-effective.

The next provision provides authority for the Administrator to enter into 50-50 matching grant agreements with States for the establishment, expansion, and improvement of State veterans' cemeteries. It permits a State to count up to 50 percent of the value of land set aside for this purpose as a portion of its share.

Public Law 95–479 also has two provisions, amendments to H.R. 11886, which were supported by the Subcommittee on Cemeteries and Burial Benefits.

The first provision increases service-connected death benefit from $800 to $1,100.

The next provision provides that the American Battle Monuments Commission employ only U.S. citizens as superintendents and assistant superintendents of cemeteries they operate.

SUBCOMMITTEE ON EDUCATION AND TRAINING

The major thrust of activity by the Subcommittee on Education and Training during the 95th Congress has been twofold. Review of the effects of Public Law 94–502, the administration of the G.I. bill and other V.A. administrative programs, and further improvements to the veterans educational assistance program (GI bill) consumed many days of hearings and investigation. Oversight of veterans employment programs and proposed changes in veterans preference in federal employment was also of major concern to the subcommittee.

Much information revealing that educational overpayments and widespread abuses had crept into the veterans' education program was given to the Subcommittee in prior Congresses. Public Law 94–502 was intended to tighten the enforcement standard of the education program and eliminate identified abuses. Reports indicated that the 85–15 rule and 2-year provisions and other tightening provisions of Public Law 94–502 caused difficulties for a number of educational institutions. The subcommittee held hearings reviewing the implementation of these rules. The subcommittee also sought to determine if these rules were accomplishing the purposes for which they were established, that is, eliminating identified abuse of the education program, and preventing educational overpayments.

The VA's educational assistance overpayment problem was also horoughtly investigated by the Subcommittee during the 95th Congress. The GAO, which issued a detailed report of the situation in 976, conducted follow up reviews and made further recommendations o the Veterans Administration and to the Subcommittee.

Public Law 95–202, a summary of which appears later in this sec- ion, made amendments to the educational assistance program which urther helped to eliminate abuses and overpayments.

The VA was required to conduct several studies relating to educa- ional assistance and rehabilitation programs as a result of legislation pproved by the Subcommittee on Education and Training. One tudy related to chapter 31, the vocational rehabilitation programs for eterans who were wounded or disabled while an active duty and in eed of training to overcome vocational handicaps.

Another study relates to the need for legislation or administrative ction with regard to the law on satisfactory progress. A third study the VA on the 85–15 rule has been transmitted to the Congress.

Two remaining studies are due in 1979. One relates to the utilization VA education and training programs and the extent of how many ccessfully complete these programs. The other study relates to proving the approval process of postsecondary educational institu- ons in courses offered for veterans.

The purpose of these studies is to provide in-depth analyses programs and their impact so that the Congress can more adequate provide for the educational and vocational needs of veterans.

The Subcommittee on Education and Training has jurisdiction ov job counseling, training, and placement services for veterans as contain in chapter 41 of title 38, U.S. Code; employment and training of disabl and Vietnam era veterans as contained in chapter 42 of title 38, U. Code; and veterans reemployment rights as contained in chapter of title 38, U.S. Code.

Most of these programs are handled by the Department of Lab Because there was much sentiment that these programs were n being effectively carried out, the 94th Congress passed the Veteran Education and Employment Assistance Act of 1976 (Public Law 9 502), which established the position of Deputy Assistant Secretary Labor for Veterans' Employment, who reports to the Assistant Secr tary of Labor for Employment and Training. The specific respon bilities of the Deputy Assistant Secretary are: (1) to administer t Veterans Employment Service program, and (2) to serve as the prin pal adviser to the Secretary of Labor with respect to the formulati and implementation of all departmental veterans' policies a procedures.

In establishing the new position in the Department of Labor Deputy Assistant Secretary for Veterans Employment, it was hop by Congress that much of the confusion and sluggishness within t Department of Labor in carrying out the mandates of Congre would be eliminated.

Notwithstanding the establishment of this new position, the No. problem among veterans continued to be jobs and job training for high number of Vietnam and disabled veterans who were unable obtain satisfactory employment.

Because of widespread dissatisfaction with the implementation employment programs by the Department of Labor, the subcommitt held extensive hearings both sessions of the 95th Congress, regardi this situation.

The following is a list of veterans programs which came under t jurisdiction of the Deputy Assistant Secretary of Labor for Veteran Employment and over which this subcommittee has jurisdiction:

Veterans Outreach.
Public Awareness and Information.
CETA Program.
Employment Service Services to Veterans.
Job Service Matching System.
DVOP.
HIRE.
VA/OJT.
Apprenticeship.
Federal Employment of Veterans.

Exemplary Rehabilitation Certificate Program.
Incarcerated Veterans.
Recently Separated Veterans.
Older Veterans.
Women Veterans.
Personal Adjustment.
Legislation.
Labor Market Information.
Technical Assistance and Training.
Program Evaluation.
Veterans Affirmative Action and Mandatory Job Testing.
Veterans Reemployment Rights.
H.I.R.E.
Unemployment Compensation for Ex-Servicemen.

Hearings held in Washington indicated that there were allegedly large numbers of Vietnam era veterans who have been unable to make a successful readjustment to civil life and that there is a high unemployment rate among Vietnam era veterans which is much higher than that of the general public. The subcommittee therefore, endeavored to obtain information to verify if there was a high unemployment rate among Vietnam era veterans and, if so, the reasons; and to obtain a profile of the unemployed veteran.

In addition to the testimony presented to the Subcommittee at the hearings on veterans employment in Washington, it was believed by the chairman of this subcommittee, Mr. Olin E. Teague of Texas, that it would be advisable to go out across the country to obtain as many facts as possible from those persons who are carrying out the programs to help veterans find jobs and job training, and to learn from veterans firsthand what the problems are for those who cannot find jobs.

In March, 1978, the committee staff made an onsite investigation of the unemployment situation in Dallas and Austin, Texas, and also in Newark, N.J., on June 27, 28, and 29. It is the intention of the subcommittee to also check various other sites throughout the country.

In July, 1978, the subcommittee held hearings in Newark, New Jersey to obtain information from various governmental agencies—local, State and Federal—which are involved in programs providing assistance to veterans in obtaining employment. Representatives from veterans groups in the local communities also testified regarding veterans employment in the Newark area.

Herewith follows the summary of congressional initiatives taken by the Subcommittee on Education and Training:

Public Law 95-202 (H.R. 8701):

(1) Amends chapters 31, 34, 35, and 36 of title 38, United States Code, to increase the amounts of educational assistance allowances by 6.6 percent, effective October 1, 1977. The increases are as follows:

GI BILL RATE INCREASES

	Existing law				Public Law 95-202, GI Bill Improvement Act of 1977			
	No dependents	1 dependent	2 dependents	Each additional dependents	No dependents	1 dependent	2 dependents	Each additional dependent
VOCATIONAL REHABILITATION (CH 31, SEC. 1504(b))								
Institutional:								
Full time	$226	$280	$329	$24	$241	$298	$351	$26
Three-quarter time	170	210	247	18	181	224	263	19
Half time	113	140	165	12	120	149	176	13
Farm cooperative, OJT or apprenticeship: full time	197	238	275	18	210	254	293	19
INSTITUTIONAL AND COOPERATIVE TRAINING (COLLEGE TRAINING) (CH. 34, SEC. 1682(a))								
Full time	292	347	396	24	311	370	422	26
Three-quarter time	219	260	297	18	233	277	317	19
Half time	146	174	198	12	156	185	211	13
Cooperative	235	276	313	18	251	294	334	19
FARM COOPERATIVE TRAINING (CH. 34, SEC. 1682(c))								
Farm cooperatives:								
Full time	235	276	313	18	251	294	334	19
Three-quarter time	176	207	235	14	188	221	251	15
Half time	118	138	157	9	126	147	167	10
1st 6 mo	212	238	260	11	226	254	277	12
2d 6 mo	159	185	207	11	169	197	221	12
3d 6 mo	106	132	154	11	113	141	164	12
4th and any succeeding 6-mo periods	53	79	101	11	56	84	108	12

OTHER PROVISIONS (CH. 34)

	Present law	Public Law 95-202
Flight training	$270	[1] $28
Active duty and less than half time	292	[1] 31
Correspondence courses	292	[2] 31
Special supplementary assistance	[3] 65	[4] 6
Predischarge education program	292	31
Loan	[5] 292	[5] 31

OTHER PROVISIONS—WAR ORPHANS, WIDOWS, AND WIVES EDUCATIONAL ASSISTANCE (CH. 35)

Full time	292	31
Three-quarter time	219	23
Half time	146	15
Institutional business courses	235	25
Special restorative training	292	31

[1] 90 percent established charges, with 1-mo charge to entitlement for each $288 cost.

[2] Established charge for tuition and fees, but not to exceed full-time rate of $311 per month.

[3] Per month, maximum of $780.

[4] Per month, maximum of $828.

[5] Per month, maximum of $2,500.

(2) Increases the amount of the work-study allowance to equal the amount of the federally required minimum hourly wage, or $2.50, whichever is greater.

(3) Provides for a Federal-State program for assisting certain veterans attending high-cost programs of education as follows:

a. Any veteran, subject to other limitations, would be eligible to borrow up to $2,500 per school year (formerly limited to $1,500 per school year).

b. A veteran would not be required to have sought loans from other sources.

c. When the veteran attending school full time completes a program of education (for example, obtains a degree) the veteran will be eligible (under a Federal-State program) for a loan cancellation of up to two-thirds of the amount by which tuition and fees exceed $700 per school term, or two-thirds of the amount of the loan for the year involved, whichever is less. The total amount of loans available is determined by his or her total entitlement remaining at the beginning of the term for which the loan is to be made. Within those limits, the VA will cancel $1 of the loan amount for each dollar repaid for the veteran by the State or local governmental unit (or both) in which the school is located. The veteran's remaining entitlement is reduced by the amount of the loan cancelled by the VA.

(4) Extends the period of time a veteran or eligible spouse has to
ilize his or her GI Bill benefits when the veteran or eligible spouse
s a mental or physical disability, not the result of his or her own
isconduct, which the Administrator finds prevented the veteran from
tiating or completing a course of study; and provides that a veteran
eligible spouse enrolled on a full-time basis at the time his or her
limiting date passed would (to the extent he/she had monthly loan
titlement remaining) be eligible for a VA loan of up to $2,500 during
ch of the 11th and 12th years provided such veteran or eligible spouse
ntinued in full-time training in that course or until that program is
npleted, whichever is earlier.

5) Requires the Administrator, in the implementation of any law
statute, to provide a citation to the section of the law or other legal
hority upon which it is based.

6) Provides eligible veterans with more extensive VA educational
nseling services in regard to employment opportunities.

7) Increases by 5 percent the amount of money State Approving
encies are reimbursed for expenses incurred in approving educa-
al institutions for purposes of GI Bill enrollment, and requires
te Approving Agencies to report to the Administrator periodically
less than annually) on their specific activities, approvals, and
pprovals during the preceding year.

) Increases from $5 and $6 to $7 and $11 the amount of reporting
paid to reimburse educational institutions for costs incurred in
with the Veterans Administration required reports on veterans
eligible persons enrolled in such institutions (the higher rate is
for each veteran who participates in the advance payment
ram). When a school handles an advance check and a loan check,
to be paid only one $11 fee; if the school handles only an advance
, or only a loan check, it is to be paid $11; thus, handling both
nce and loan checks does not entitle the school to two separate
ees.

(9) Specifies that under no circumstances shall institutional liability for veteran overpayments be construed as requiring any institution of higher learning to maintain daily attendance records for any course leading to a standard college degree. The exemption from taking daily attendance does not relieve institutions of higher learning from the requirement that they report promptly any change in a veteran's enrollment, interruption, or termination.

(10) Reduces the number of clock hours which an accredited institutional trade or technical course must offer to assure that the veterans enrolled therein are eligible for full-time GI Bill benefits. Where theoretical instruction predominates, the required instructional hours are reduced from 22 to 18 and, where classroom and theoretical instruction does not predominate, from 27 to 22 hours.

(11) Limits to five the number of hours of supervised study which nonaccredited institutional trade or technical courses are allowed to count in determining compliance with the required clock-hours provisions (30 and 25 respectively for theoretical and nontheoretical instruction).

(12) Provides, in certain instances, a waiver of the 2-year rule for certain branches and extensions of institutions of higher learning where the Administrator determines that the waiver would be in the interest of the eligible veteran and the government, and waives certain provisions in qualifying for an exemption of the rule relating to certain schools under contract with the Department of Defense.

(13) Requires the Administrator to conduct a study and submit to the Congress by September 30, 1978, a report examining the need for including in the 85–15 computation those students in receipt of grants from any Federal department or agency. When determining compliance by educational institutions with the 85–15 rule, the provisions requiring the inclusion of a number of students in receipt of federal grants will be made inapplicable until 6 months after the filing date of the report.

Exempts an institution with a veteran enrollment 35 percent or less of the total student enrollment from the requirement of a course by course computation except where the Administrator has cause to believe that GI Bill enrollment may exceed 85 percent of the total course enrollment in which case a computation for a specific course will be required and the 85–15 rule will be applicable.

(14) Mandates the Administrator to conduct a study of specific methods of improving the process by which postsecondary educational institutions and courses at such institutions are and continue to be approved for the purposes of the GI Bill. The study would include the need for legislative and administrative action in regard to certain relevant provisions, including the "seat-time" requirements and the satisfactory progress requirements as amended by Public Law 94–502. During the period of time required to make the study, the VA would suspend the implementation of the satisfactory progress amendments contained in Public Law 94–502 for any accredited educational institution submitting to the Administrator catalogs or bulletins which the Administrator determines are in compliance with the law.

Requires the Administrator to bring to the attention of the Council on Postsecondary Accreditation, or other appropriate accrediting or licensing bodies, any course catalogs or bulletins submitted to the

Administrator which the Administrator believes may not be in
compliance with the standards of the accrediting or licensing body.

(15) Provides the Administrator with the authority to provide
equitable relief to certain educational institutions where the Admin-
strator finds that, as a result of enactment of section 701 of Public
Law 94–502 (relating to negotiability of GI Bill assistance checks
ubject to powers-of-attorney), the institution has incurred an undue
ardship.

(16) Provides that any action to terminate GI Bill assistance must
e based upon evidence that the veteran or person is not, or was not,
ligible for such assistance; requires the Administrator to give the
eteran or person concurrent written notice whenever the Admin-
trator suspends or terminates such assistance; and requires the
dministrator to give written notice to the veteran or person that
e/she is entitled to a statement of the reasons for such termination
r suspension and an opportunity to be heard.

(17) Directs the Administrator to conduct a study and to submit
report to the President and Congress in regard to chapter 31 of title
8, the veterans' vocational rehabilitation program.

(18) Requires the Chairman of the Civil Service Commission to
ubmit to the President and Congress, not later than 6 months after
nactment, a report on the need for continuation after June 30, 1978,
the authority for veterans' readjustment appointments.

(19) Authorizes the Administrator to conduct, pursuant to an inter-
gency agreement with HEW, the programs carried out under section
20 of the Higher Education Act of 1965, as amended, the veterans'
st of instruction (VCI) program.

(20) Directs the Administrator to conduct a study into specific
eans by which the Veterans Administration Home Loan Program
n be used to aid or encourage present and prospective veteran home-
wners to install solar heating, solar cooling, and solar heating and
oling and to apply resident energy conservation measures.

(21) Makes possible for certain members of WASPs and similarly
uated groups of civilians who rendered what has previously been
nsidered civilian or contractual service to the Armed Forces to be-
me eligible for VA benefits if the Secretary of Defense determines
e service of such groups constituted active duty-service and, in the
se of affirmative determinations, issues discharges under honorable
nditions to those members the duration and nature of whose service
rrant such discharge.

H.R. 12353 provided for the extension of Veterans Readjustment
pointments (VRA) in the Federal Government.

The Veterans Readjustment Appointment (VRA) is a noncompeti-
e excepted appointment to a job in the competitive services in grades
5 (General Schedule and Wage Grade) which combines work with
ining. Eligibility is currently limited to Vietnam era and disabled
erans with no more than 14 years of education. The appointment
st be made during the first year following military separation or
pitalization (with extension of eligibility for those who enroll in
ther schooling). After 2 years of successful performance on the job
successful completion of the agreed-to training, the appointment
onverted to career or career-conditional.

H.R. 12353 would have extended the period of eligibility for veteran
readjustment appointments in the Federal Government for veteran
of the Vietnam era until September 30, 1980. Further, it would hav
raised the maximum grade level from GS–5 to GS–7 and drop the
year limit on the authority. Finally, it would have waived the 14-ye
educational limit for disabled veterans under the VRA appointme
authority, but keep the educational limit for Vietnam veterans wh
are not disabled.

H.R. 12353 was recommended by the Subcommittee on Educatio
and Training and passed by the House. H.R. 12353 was not consider
by the Senate; however, a similar provision which extends the peri
of eligibility for veterans readjustment appointments until Septemb
30, 1981, was included in H.R. 5029, as amended by the Senate a
signed by the President. H.R. 5029 is now Public Law 95–520.

As a result of investigations and hearings held by the Subcommitte
on Education and Training regarding the VA education loan progra
the Committee agreed to legislative recommendations submitted b
the GAO regarding improvements needed in the program.

The recommendations as contained in a Senate amendment
H.R. 12028 and enacted into law as a provision to P.L. 95–476 provid
authority for the Administrator to establish and apply criteria f
the receipt of GI education loans. This is to insure that such loa
are made on the basis of financial need directly related to the cos
of education.

SELECT SUBCOMMITTEES

Twice during the 95th Congress, select subcommittees were creat
to review issues which impacted on all areas of veterans' benefi
The chairman of the Committee, the ranking minority member of t
Committee, all subcommittee chairmen and the ranking minori
members of the subcommittees were members of the select subco
mittees.

Former President Ford and President Carter both approved spec
discharge review programs. On June 20, 21, 27 and 28, 1977 a sele
subcommittee of the House Veterans Affairs Committee held hearin
regarding these programs.

The hearings were oversight in nature, although the select su
committee did submit to the full committee its findings and reco
mendations, including legislative recommendations. The purpose
the hearings was not to question the authority of the Presiden
action or to explore the effectiveness of the program. The purpo
was to examine the ramifications of his actions on the eligibility f
veterans benefits. The select subcommittee wanted to determine
the automatic upgrading of discharges resulting from "special criter
also meant automatic entitlement to veterans benefits. If so, the r
maining question was if the Congress should change the law to prev
such automatic entitlement. Public Law 95–126, effective October
1977, was the result of those hearings. A summary of the Act follow

P.L. 95–126 created an entitlement to benefits only if the upgradi
of a discharge was based on a case-by-case review of all the evide
and factors in the case, under published uniform standards a

procedures generally applicable to all persons administratively discharged from active-duty service.

The measure also precluded the granting of veterans' benefits on the basis of discharge upgradings awarded under (a) President Ford's January 19, 1977, program for certain persons who had applied under his earlier clemency program, (b) the Defense Department's April 5, 1977, special discharge review program, and (c) any subsequent program employing these kinds of revised standards not generally applicable to all persons with administrative discharges under other than honorable conditions. While allowing veterans to keep whatever upgraded discharge "paper" they receive or have received under any such "special" program, the Act provided for the granting of veteran's benefits in any such case only upon a "second" determination by the Discharge Review Board concerned—a determination that the individual would have been granted an upgrading under standards meeting the new discharge-review requirements discussed above.

In the case of a person whose administrative discharge under other than honorable conditions (Undesirable or Clemency Discharge) has been upgraded under a "special" program and who is receiving benefits on the date of enactment, the Act provided that the appropriate Discharge Review Board must make a determination on its own initiative and on an expedited basis as to whether the individual would have been granted an upgrading under the new standards applicable to all persons with administrative discharges under other than honorable conditions.

These "second" determinations will be made on an expedited basis in the cases of those who received benefits prior to the date of enactment as a result of a special program upgrading and those who make a written request for such a determination.

In all other cases in which the individual would, in the absence of this legislation, be entitled to veterans' benefits as a result of upgrading under a special program, the determination will be made on the board's own initiative and within 1 year from the date of enactment.

Public Law 95-126 also proviced that, when an individual has been discharged or released from active duty on grounds which constitute a bar to veterans' benefits under current law (for example, discharge by order of a general court-martial and discharge as a deserter), no subsequent action of a Discharge Review Board has the effect of avoiding the bar to benefits. Thus, an upgrading of a discharge by a Discharge Review Board does not remove the bar. Recourse to a Board for correction of Military Records, however, continues to be available to remove such a bar.

In addition, the Act created a new conditional statutory bar to benefits—applicable to persons who were absent without authority from active duty for a continuous period of 180 days or more if the individual was discharged under conditions other than honorable. Individuals as to whom this bar might apply, however, are to be afforded the opportunity to demonstrate to the Administrator that there are compelling reasons to warrant such prolonged unauthorized absence. If the Administrator is satisfied that such compelling reasons exist, the bar does not apply.

A further provision of Public Law 95-126 granted an entitlement, for certain persons with discharges under other than honorable conditions, to health care and related benefits (of the type generally authorized for persons with discharges under honorable conditions) for any disability incurred or aggravated during active-duty service in line of duty. The beneficiaries of the new entitlement are persons administratively discharged under conditions other than honorable who have disabilities incurred or aggravated during active-duty service in line of duty, but not persons barred from receiving benefits by section 3103(a) of title 38. Disabilities incurred or aggravated during a period of sevice from which the individual was discharged by reason of a bad conduct discharge are also excluded from this entitlement.

Finally, this Act expanded the definition of the term "discharge or release" in section 101(18) of title 38, United States Code, in order to assure eligibility for veterans' benefits to one who has satisfactorily completed a period of service when he or she has not received a discharge or release at the completion of that period because of having agreed to extended active-duty service.

Proposals to recognize certain service as being equivalent to active duty service in the military have been before the Committee on a continuing basis for many Congresses.

In this regard, on Sept. 20, 1977, a select subcommittee held hearings to consider proposals on the Women's Air Force Service Pilots (WASPs), who served as Federal civilian employees during WW II; members of telephone operating units of the Army Signal Corps, WW I, and others. Several bills had been introduced to recognize these groups by providing that their service be considered active duty for the purpose of laws administered by the Veterans Administration.

The select subcommittee recommended and the full Committee included in Public Law 95-202 a provision which makes it possible for certain members of WASPs and similarly situated groups of civilians who rendered what has previously been considered civilian or contractual service to the Armed Forces to become eligible for VA benefits if the Secretary of Defense determines the service of such groups constituted active duty-service. In the cases of affirmative determinations, the Secretary of Defense must issue discharges under honorable conditions to those members the duration and nature of whose service warrant such discharge.

Union Calendar No. 961
n Congress, 2d Session - - - - - - - - House Report No. 95-1827

REPORT ON THE ACTIVITIES

OF THE

COMMITTEE ON THE JUDICIARY

OF THE

HOUSE OF REPRESENTATIVES

DURING THE

NINETY-FIFTH CONGRESS

PURSUANT TO

CLAUSE 1(d) RULE XI OF THE RULES OF THE
HOUSE OF REPRESENTATIVES

ANUARY 2, 1979.—Committed to the Committee of the Whole House
on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 2, 1979.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

DEAR MR. HENSHAW: In accordance with clause 1(d) of rule XI of the Rules of the House of Representatives, I am transmitting herewith a report on the activities of the Committee on the Judiciary of the U.S. House of Representatives for the 95th Congress.

Sincerely,

PETER W. RODINO, Jr., *Chairman.*

Enclosure.

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95th Congress } HOUSE OF REPRESENTATIVES { Report
2d Session } { No. 95–1827

REPORT ON THE ACTIVITIES OF THE COMMITTEE ON THE JUDICIARY

January 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. Rodino, from the Committee on the Judiciary, submitted the following

REPORT

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LEGISLATIVE JURISDICTION OF THE COMMITTEE ON THE JUDICIARY

The jurisdiction of the Committee on the Judiciary is set forth in Rule X, 1.(m) of the Rules of the House of Representatives for the 95th Congress:

RULE X.—ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

THE COMMITTEES AND THEIR JURISDICTION

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

* * * * * *

(m) Committee on the Judiciary.

(1) Judicial proceedings, civil and criminal generally. § 682(a). Judiciary.

(2) Apportionment of Representatives.

(3) Bankruptcy, mutiny, espionage, and counterfeiting.

(4) Civil liberties.

(5) Constitutional amendments.

(6) Federal courts and judges.

(7) Immigration and naturalization.

(8) Interstate compacts generally.

(9) Local courts in the Territories and possessions.

(10) Measures relating to claims against the United States.

(11) Meetings of Congress, attendance of Members and their acceptance of incompatible offices.

(12) National penitentiaries.

(13) Patent Office.

(14) Patents, copyrights, and trademarks.

(15) Presidential succession.

(16) Protection of trade and commerce against unlawful restraints and monopolies.

(17) Revision and codification of t
of the United States.

(18) State and territorial boundar

§ 682(b). Internal Security.

(19) Communist and other subver
ties affecting the internal security of
States.

This committee dates from 1813 (IV, 4054).
tial jurisdiction as defined in the rule was ma
January 2, 1947, as a part of the Legislative R
tion Act of 1946 (60 Stat. 812), and combine
mittees on Revision of Laws (created 1868,
Patents (created in 1837, IV, 4254), Immig
Naturalization (created in 1893, IV, 4309), C
ated in 1794, IV, 4262), and War Claims (
1883, IV, 4269). Effective January 3, 1975 (H
93rd Congress, p. 34470), the committee's j
over holidays and celebrations was transfer
Committee on Post Office and Civil Service (c
Rule X). On January 14, 1975 (H. Res. 5, 94th
the Committee on Internal Security was
and jurisdiction over communist and other
activities affecting the internal security of t
States was transferred to the committee (par. 1
vision in the latter amendment to this clause, tr
records and staff of the Internal Security Co
the Judiciary Committee, was deleted as o
January 4, 1977 (H. Res. 5, 95th Cong
paragraph 15, the committee has jurisdiction
dential nominations to fill vacancies in the off
President, submitted pursuant to the 25th A
(October 13, 1973, p. 34032; August 20, 1974,
and the committee has reported Articles of Im
of the President (August 20, 1974, p. 29219–81

It considers charges against judges of t
States courts (IV, 4062), legislative propositio
to the service of the Department of Justice (
bills relating to local courts in the District of
Alaska, and the Territories (IV, 4068), the est
of a court of patent appeals (IV, 4075), relatio
to courts and corporations (IV, 4072), crimes
extradition (IV, 4069; VII, 1747), constructio
agement of national penitentiaries (IV, 407
relating to trusts and corporations (IV, 4057,
VII, 1764), claims of States against the Un
(IV, 4080), general legislation relating to in
and other claims (IV, 4078, 4079, 4081), bills
the Office of President (IV, 4077), to the flag
bankruptcy (IV, 4065), removal of political
(IV, 4058), prohibition of traffic in intoxicat
(IV, 4061; VII, 1773), mutiny and willful de
vessels (IV, 4145), counterfeiting (IV, 4071;
settlement of State and Territorial boundary

4060; VII, 1768), meeting of Congress and attendance of Members and their acceptance of incompatible offices (IV, 4077; VI 65). This committee also has jurisdiction over joint resolutions proposing amendments to the Constitution (IV, 4056; VII, 1779). It also reports on important questions of law relating to subjects naturally within the jurisdiction of other committees (IV, 4063).

The committee also has jurisdiction over bills regulating the authority of States to impose taxes on interstate commerce (June 18, 1959, p. 11317), imposing conflict of interest standards and civil and criminal penalties relating thereto on government employees (Feb. 25, 1960, p. 3484), establishing an Academy of Criminal Justice (Apr. 5, 1965, p. 6822), to eliminate racketeering in the interstate sale of cigarettes (Feb. 9, 1972, p. 3429), providing workmen's compensation for non-U.S. employed firemen killed during civil disorder (May 6, 1968, p. 11798), authorizing the Attorney General to consent to a modification of a certain trust on behalf of the Library of Congress (Aug. 17, 1959, p. 16051), bills amending an omnibus pension act to increase the amount of pension granted a certain class of persons (Feb. 15, 1960, p. 2523), and the committee has exclusive jurisdiction over the Legal Services Corporation (Nov. 19, 1975) and over the extension of workmen's benefits to non-Federal policemen and firemen (Dec. 12, 1975).

The committee has the general oversight responsibility as set forth in cl. 2(b), Rule X.

TABULATION OF BILLS AND RESOLUTIONS REFERRED TO THE COMMITTEE ON THE JUDICIARY

Introduced and referred to committee:	
Public:	
House bills	1,543
House joint resolutions	364
House concurrent resolutions	49
House resolutions	17
Total	1,973
Private:	
House bills (Claims)	337
House resolutions (Claims)	22
House bills (Immigration and Nationality)	543
House joint resolutions (Immigration and Nationality)	1
House resolutions (Immigration and Nationality)	2
House bills (Patents)	3
Total	908
Passed Senate and referred to committee:	
Public:	
Senate bills	39
Senate joint resolutions	1
Total	40

Private:	
Senate bills (Claims)	
Senate bills (Immigration and Nationality)	**12**
Total	**1**
Grand total	**3,0**
Public Bills and resolutions enacted into law	
Private bills and resolutions enacted into law	**10**
Public bills and resolutions pending in the Senate	
Private bills and resolutions pending in the Senate	
Constitutional amendments passed by Congress	

[1] **Voting Rights for the District of Columbia.**

List of Printed Hearings

Serial No. TITLE

1. National Commission on New Technological Uses of Copyrighted Works. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. March 17, 1977. (H.R. 4836).
2. Proposed Amendments to the Federal Rules of Criminal Procedure. Subcommittee on Criminal Justice. February 23, 24, and March 2, 1977. (Hearings held prior to the introduction of H.R. 5864).
3. Railroad Vandalism. Subcommittee on Crime. March 9, 1977. (H.R. 4507).
4. Legal Services Corporation Act. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. February 22 and 23, 1977. (H.R. 3719).
5. Admission of Refugees into the United States. Subcommittee on Immigration, Citizenship, and International Law. February 24, March 3, and April 22, 1977. (H.R. 3056). (See also Serial No. 42.)
6. Antitrust Exemptions and Immunities. (Parts 1 and 2). Subcommittee on Monopolies and Commercial Law. March 29, 1977.
7. Indochina Refugees—Adjustment of Status. Subcommittee on Immigration, Citizenship, and International Law. May 25 and June 2, 1977. (H.R. 2051).
8. Government in the Sunshine Act Implementation. Subcommittee on Administrative Law and Governmental Relations. February 23, 1977.
9. Clayton Act Amendment. Subcommittee on Monopolies and Commercial Law. June 16, 1977. (H.R. 6001).
10. Lobbying and Related Activities. Subcommittee on Administrative Law and Governmental Relations. April 4, 6, 21, and 29, 1977. (H.R. 1180, H.R. 5578, and H.R. 5795, and companion bills).
11. Financial Disclosure Act. Subcommittee on Administrative Law and Governmental Relations. September 9 and 12, 1977. (H.R. 1, H.R. 9, H.R. 6954, and companion bills).

Serial No. TITLE

12. Sexual Exploitation of Children. Subcommittee on Crime. May 23, 25, June 10, and September 20, 1977. (H.R. 3913 and oversight).
13. LEAA's Community Anticrime Program. Subcommittee on Crime. May 11, 1977.
14. Public Participation in Agency Proceedings. Subcommittee on Administrative Law and Governmental Relations. March 30, 31, April 1, 27, and 28, 1977. (H.R. 3361 and related bills).

15. Federal Role in Criminal Justice and Crime Research. Subcon mittee on Crime of the Committee on the Judiciary and Sul committee on Domestic and International Scientific Plannin Analysis and Cooperation of the Committee on Science an Technology. June 22, 23, 29, 30, and July 21, 1977.
16. Extraterritorial Criminal Jurisdiction. Subcommittee on Immi gration, Citizenship, and International Law. July 21, 197 (H.R. 763, H.R. 6148, and H.R. 7842).
17. Telephone Search Warrant Procedure. Subcommittee on Crimina Justice. April 22 and 25, 1977. (H.R. 5865).
18. Implementation of Treaties for the Transfer of Offenders to o from Foreign Countries. Subcommittee on Immigration Citizen ship, and International Law. September 16 and October 6, 197 (H.R. 7148).
19. State of the Judiciary and Access to Justice. Subcommittee o Courts, Civil Liberties, and the Administration of Justice June 20, 22, 29, July 20, 21, 28, and 29, 1977.
20. Effective Enforcement of the Antitrust Laws. Subcommittee o Monopolies and Commercial Law. September 9, 16, October 6 and 20, 1977. (H.R. 8359).
21. Diversity of Citizenship Jurisdiction/Magistrates Reform. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. September 21, 27, 28, 29, and October 19, 1977. (H.R 761, H.R. 5546, H.R. 7243, H.R. 7493, H.R. 7811, H.R. 9123, H.R. 9622, and S. 1613).
22. Grand Jury Reform. (Parts 1 and 2). Subcommittee on Immigration, Citizenship, and International Law. March 17, April 27, June 1, 29, and October 13, 1977. (H.R. 94).
23. Suspension of the National Crime Survey. Subcommittee on Crime. October 13, 1977.
24. Extension of Indochina Refugee Assistance Program. Subcommittee on Immigration, Citizenship, and International Law. September 23 and 27, 1977. (H.R. 9133, H.R. 9134, and H.R. 9110).
25. A Proposal to Divide the Fifth Circuit. Subcommittee on Monopolies and Commercial Law. September 21, 27, and October 19, 1977.
26. Oversight of INS Programs and Activities. Subcommittee on Immigration, Citizenship, and International Law. March 9 and 23, 1977; February 8, 9, and March 9, 1978.
27. Department of Justice Authorization. (Parts 1 and 2). Full Committee. March 10, 14, 15, 16, 17, 21, 22, and April 7, 1978. (Hearings held prior to the introduction of H.R. 12005).
28. Civil Rights for Institutionalized Persons. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. April 29, May 11, 13, 18, and 23, 1977. (H.R. 2439 and H.R. 5791).
29. Administrative Conference Act. Subcommittee on Administrative Law and Governmental Relations. July 26, 1977. (H.R. 7662).
30. Claims Against Persons Entitled to Diplomatic Immunity. Subcommittee on Administrative Law and Governmental Relations. August 1, 1977. (H.R. 7679).

31. Alien Adopted Children. Subcommittee on Immigration, Citizenship, and International Law. June 15, 1977. (H.R. 5804, H.R. 6488, H.R. 1956, and H.R. 871).
32. United States Participation in the International Criminal Police Organization (INTERPOL). Subcommittee on Immigration, Citizenship, and International Law. March 30, 1977. (H.R. 4641).
33. FBI Oversight. (Part 1). Subcommittee on Civil and Constitutional Rights. June 6, 27, and November 9, 1977. (Part 2). September 29, 1977, February 28, and July 20, 1978.

Serial No. TITLE

34. Contract Disputes. Subcommittee on Administrative Law and Governmental Relations. November 10 and 11, 1977. (H.R. 664 and related bills).
35. Representation for the District of Columbia. Subcommittee on Civil and Constitutional Rights. August 3, September 14, 21, October 4 and 6, 1977. (H.J. Res. 139, H.J. Res. 142, H.J. Res. 392, H.J. Res. 554, and H.J. Res. 565).
36. Bankruptcy Court Revision. Subcommittee on Civil and Constitutional Rights. December 12, 13, and 14, 1977. (Supplemental hearings on court and administrative structure for bankruptcy cases—H.R. 8200).
37. Foreign Medical Graduates. Subcommittee on Immigration, Citizenship, and International Law. March 24, 1977.
38. Restructuring the Law Enforcement Assistance Administration. Subcommittee on Crime, August 1, October 3, 4, 20, 1977; and March 1, 1978.
39. Alleged Nazi War Criminals. (Part 1). Subcommittee on Immigration, Citizenship, and International Law. August 3, 1977. (Part 2), July 19, 20, and 21, 1978.
40. Reimbursement for Social Services Expenditures. Subcommittee on Administrative Law and Governmental Relations. March 8, 1978. (H.R. 10101).
41. Equal Rights Amendment Extension. Subcommittee on Civil and and Constitutional Rights. November 1, 4, and 8, 1977; May 17. 18, and 19. 1978. (H.J. Res. 638).
42. Admission of Refugees into the United States—Part II. Subcommittee on Immigration, Citizenship, and International Law. August 4. 1977; January 24, March 1, and April 12, 1978. (See also Serial No. 5.)
43. Payments to Individuals Suffering from Effects of Atomic Bomb Explosions. Subcommittee on Administrative Law and Governmental Relations. March 31 and June 8, 1978. (H.R. 8440).
44. Suits to Adjudicate Disputed Titles to Land in Which the United States Claims an Interest. Subcommittee on Administrative Law and Governmental Relations. Held during the 92nd Congress, 2nd session on S. 216, H.R. 11127, H.R. 11411, H.R. 11710, H.R. 11722, H.R. 12440, and H.R. 12453 of that Congress.
45. Federal District Court Organization Act of 1978. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. June 2, 1978. (H.R. 12869).

46. Fair Housing Act. Subcommittee on Civil and Constitutional Rights. February 2, 9, May 10, 11, 15, June 7, and July 27, 1978. (H.R. 3504 and H.R. 7787).
47. Unemployment and Crime. Subcommittee on Crime. September 27, 28, October 26, 27, December 5, 6, 7, 1977; and April 5, 1978.
48. Foreign Intelligence Surveillance Act. Subcommittee on Courts, Civil Liberties, and the Administration of Justice, June 22, 28, and 29, 1978. (H.R. 7308).
49. Amateur Sports Act of 1978, Subcommittee on Administrative Law and Government Relations. June 21, 22, 1978. (H.R. 12626, H.R. 12920).

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Serial No.

50. Special Prosecutor Legislation. Subcommittee on Criminal Justice. May 18, 1977. (H.R. 2835).
51. Judgeships. Subcommittee on Monopolies and Commercial Law. March 10, 23, and 24, 1977. (H.R. 3685).
52. Legislation to Recodify the Federal Criminal Laws. (Parts 1, 2, and 3). Subcommittee on Criminal Justice. September 15, 1977; February 21, 22, 28, March 1, 6, 8, 13, 14, 20, 21, April 4, 5, 6, 10, 11, 12, 13, 17, 18, 19, 20 and 24, 1978. (H.R. 6869).
53. U.S. Commission on Civil Rights Authorization. Subcommittee on Civil and Constitutional Rights, March 1, 6, 9, and April 14, 1978. (H.R. 10831).
54. Federal Tort Claims Act. Subcommittee on Administrative Law and Governmental Relations. February 23, April 27, May 3, 10, and 17, 1978. (H.R. 9219).
55. Reimbursement for Losses Incurred by Government Banning of Tris. Subcommittee on Administrative Law and Governmental Relations. June 14 and 15, 1978. (H.R. 7158 and S. 1503).
56. Victims of Crime Compensation Legislation. Subcommittee on Criminal Justice, March 29, April 22, 25, 27, and May 5, 1977. (H.R. 3686).
57. Cigarette Bootlegging. Subcommittee on Crime, February 28, March 8, and April 19, 1978. (H.R. 8853).
58. The Use of Spanish in Federal Courts in Puerto Rico. Subcommittee on Civil and Constitutional Rights. November 28 and 29, 1978. (H.R. 13950).
59. Oversight of INS Policies and Legal Issues. Subcommittee on Immigration, Citizenship, and International Law. August 3, 1978.
60. Treasury's Proposed Gun Regulations. Subcommittee on Crime. May 4 and 18, 1978.
61. Miller Act Amendment. Subcommittee on Administrative Law and Governmental Relations. June 28, 1978. (H.R. 2375 and H.R. 3185).
62. Nationwide Service and Subpenas in Suits Under the False Claims Act. Subcommittee on Administrative Law and Governmental Relations, June 8, 1978. (H.R. 12393).

63. Authority to Contract for Supervisory Aftercare of Drug Dependent Offenders. Subcommittee on Administrative Law and Governmental Relations. June 8, 1978. (H.R. 12290).
64. Speedy Trial Act. Subcommittee on Crime. April 13, 1978. (H.R. 10934).

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Serial No. TITLE

65. GAO Report on the Voting Rights Act. Subcommittee on Civil and Constitutional Rights. February 6, 1978.
66. Court Interpreters Act. Subcommittee on Civil and Constitutional Rights. July 19, August 2, and 9, 1978. (H.R. 10228 and S. 1315).
67. Judicial Housekeeping. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. May 4, 1978. (H.R. 3327, H.R. 8492, H.R. 12394, H.R. 8220, H.R. 9122, H.R. 11276, and H.R. 12389).
68. Dispute Resolution Act. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. July 27 and August 2, 1978. (S. 957).
69. White Collar Crime. Subcommittee on Crime. June 21, July 12, 19, and December 1, 1978.
70. Bill of Rights Procedure Act. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. July 13 and 20, 1978. (H.R. 214).
71. Bureau of Prisons Pre-trial Detention Program. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. May 4 and 5, 1977.
72. General Oversight. Subcommittee on Courts, Civil Liberties, and the Administration of Justice, February 16, 17, 18, and April 21, 1977.
73. Selection and Removal of United States Attorneys. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. March 13, May 10, and 11, 1978. (H.R. 5576).
74. Sentencing in Capital Cases. Subcommittee on Criminal Justice. July 19, 1978. (H.R. 13360).
75. The Awarding of Attorneys' Fees in Federal Courts. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. November 16, 17, 1977; April 26, and 27, 1978. (H.R. 913 and H.R. 12088).
76. Group Life Insurance for Public Safety Officers. Subcommittee on Immigration, Citizenship, and International Law. August 16, 1978. (H.R. 6845).
77. Federal Capabilities in Crisis Management and Terrorism. Subcommittee on Civil and Constitutional Rights. August 16, September 15, 28, and October 4, 1978.
78. Legal Services Corporation Oversight. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. May 22, 1978.
79. Bureau of Prisons Youth and Juvenile Policies. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. October 27, 1978.

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Serial No.	TITLE
80.	Reorganizing and Reauthorizing the Law Enforcement Assistance Administration. Subcommittee on Crime. November 20 and 21, 1978. (H.R. 13397 and H.R. 13948).
81.	GAO Report on EEO Action Programs Within the Department of Justice. Subcommittee on Civil and Constitutional Rights. April 12 and July 12, 1978.
82.	Sale of Children in Interstate and Foreign Commerce. Subcommittee on Criminal Justice. March 21 and April 25, 1977. (H.R. 117 and H.R. 2826).
83.	Performance Rights in Sound Recordings. Subcommittee on Courts, Civil Liberties, and the Administration of Justice. March 29, 30, May 24, and 25, 1978. (H.R. 6063).

LIST OF SPECIAL REPORTS AND DOCUMENTS

COMMITTEE PRINTS

Serial No.	TITLE
1.	Amendments, Federal Rules of Criminal Procedure transmitted to Congress on April 26, 1976. Subcommittee on Criminal Justice. February 1977.
2.	New Directions for Federal Involvement in Crime Control. Subcommittee on Crime. April 1977.
3.	Constitutional Bankruptcy Courts. Subcommittee on Civil and Constitutional Rights. June 1977.
4.	Revision of Title 49, United States Code—Transportation. June 30, 1977.
5.	Illegal Aliens: Analysis and Background. June 1977.
6.	Table of Derivation of H.R. 8200. Subcommittee on Civil and Constitutional Rights. June 1977.
7.	Index of Publications of the Subcommittee on Monopolies and Commercial Law 81st Congress (January 1949) through 94th Congress (December 1976). July 1977.
8.	Revision of Title 49, United States Code—Transportation. September 1, 1977.

Serial No.	TITLE
9.	Illegal Aliens and Alien Labor: A Bibliography and Compilation of Background Materials (1970–June 1977). August 1977.
10.	Revision of Title 49, United States Code—Transportation. October 27, 1977.
11.	Description and Section-by-Section Analysis to Accompany Bankruptcy-Tax Bill. Subcommittee on Civil and Constitutional Rights. November 1977.
12.	Human Rights and U.S. Consular Activtities in Eastern Europe. Subcommittee on Immigration, Citizenship and International Law.

ankruptcy Courts, Subcommittee on Civil and Constitutional
Rights. November 1978.

ımmary of Activities of the Committee on the Judiciary, Ninety-
Fifth Congress, First Session. April 1978.

erformance Rights in Sound Recordings. Subcommittee on
Courts, Civil Liberties, and the Administration of Justice. June
1978.

hite Collar Crime: The Problem and the Federal Response. Sub-
committee on Crime. June 1978.

ipact of S. 1437 upon Present Federal Criminal Laws. (Parts 1
and 2). Subcommittee on Criminal Justice, June 1978.

mpilation of Selected Antitrust Acts. July 1978. (Out of Print).

e Foreign Intelligence Surveillance Act of 1978—H.R. 7308.
Subcommittee on Courts, Civil Liberties, and the Administra-
ion of Justice. July 1978.

egal Immigration and U.S.-Mexican Border Control: Analysis
nd Recommendations. Critique of Administration Adjustment
f Status Proposals. Subcommittee on Immigration, Citizen-
hip, and International Law. August 1978.

lochinese Refugees: An Update. Subcommittee on Immigration,
itizenship, and International Law. November 1978.

mpetitive Aspects of Oil Companies. Subcommittee on Monop-
lies and Commercial Law. December 1978.

rthern Ireland: A Role for the United States? Subcommittee
n Immigration, Citizenship and International Law. December
978.

e Use of Temporary Alien Labor on Guam. Subcommittee on
n Immigration, Citizenship and International Law. December
978.

ex of Impeachment Proceedings. Committee on the Judiciary.
ecember 1978.

ex to Reports on Private and Public Bills and Resolutions
avorably Reported by the Committee in the Ninety-Fifth
ongress Showing Their Status as of the Date of Final Ad-
ournment. Subcommittee on Administrative Law and Govern-
ental Relations. December 1978.

eral Capabilities in Crisis Management and Terrorism. Sub-
ommittee on Civil and Constitutional Rights. December 1978.

Celler-Kefauver Act: The First 27 Years. Subcommittee on
onopolies and Commercial Law. December 1978.

ort of the Subcommittee on Criminal Justice on Recodifica-
on of Federal Criminal Law. Subcommittee on Criminal Jus-
e. December 1978.

Justice Departments Fight Against Youth Crime: A Review
the Office of Juvenile Justice and Delinquency Prevention of
e Law Enforcement Assistance Administration. Subcommit-
e on Crime. December 1978.

inal Jurisdiction and Claims Settlement under NATO—
atus of Forces Agreement; Immunity of States; Actions
gainst Insurers of Persons Entitled to Diplomatic Immunity;
rrorism: Patent and Copyright: Dispute Processing by Mas-
s: and Attorneys Fees and Legal Aid (Germany, Italy, and
gland). December 1978.

House Documents

95–13. Proceedings of the Judicial Conference of the United States Communication from the Chief Justice of the United States transmitting the proceedings of the Judicial Conference o the United States held September 23–24, 1976. (Exec. Comm No. 220).

95–50. Secret Service Protection for Certain Former Federal Officials Communication from the President of the United States transmitting a draft of a proposed joint resolution to authorize the United States Secret Service to continue to furnish protection to certain former Federal officials or members of their immediate families. (Exec. Comm. No. 401).

95–102. Girl Scouts of the U.S.A. Annual Reoprt 1976. (Exec. Comm. No. 1044).

95–103. Proceedings of the 24th Annual National Convention of the Veterans of World War I of the United States, Inc. (Exec. Comm. No. 1045).

95–106. Changes in the Electoral Process. Message from the President of the United States transmitting proposals for changes in the electoral process, together with a draft of proposed legislation to establish a universal voter registration program, and for other purposes.

95–119. Consumer Proposals. Message from the President of the United States transmitting proposals to increase the consumer's voice in the Government.

95–139. Ethics in Government Act of 1977. Message from the President of the United States transmitting a draft of proposed legislation to preserve and promote ethical standards throughout the executive branch and for other purposes.

95–154. Proceedings of the Judicial Conference, March 10–11, 1977. Communication from the Chief Justice of the United States transmitting the proceedings of the Judicial Conference of the United States held on March 10–11, 1977. (Exec. Comm. No. 1492).

95–166. Audit of Federal Prison Industries, Inc. Communication from the Comptroller General of the United States transmitting a report on the examination of the financial statements of the Federal Prison Industries, Inc., Department of Justice, for fiscal year 1976, pursuant to section 106 of the Government Corporation Control Act, as amended (FOD–77–03, May 31, 1977). (Exec. Comm. No. 1606).

95–256. The Constitution of the United States of America.

95–259. How Our Laws Are Made.

95–269. Proceedings of the Judicial Conference, September 15–16, 1977. Communication from the Chief Justice of the United States transmitting the proceedings of the Judicial Conference of the United States held in Washington, D.C., on September 15–16, 1977, pursuant to 28 U.S.C. 331. (Exec. Comm. No. 2822).

95–278. Proceedings of the 25th Annual National Convention of the Veterans of World War I of the United States, Inc. Fort

Worth, Texas. September 17–21, 1977. (Exec. Comm. No. 2994).

95–307. A Ceremony for the Unveiling of the Portrait of the Honorable Peter W. Rodino, Jr., Chairman, Committee on the Judiciary, United States House of Representatives—May 12, 1977.

95–317. Girl Scouts of the U.S.A. Annual Report 1977. (Exec. Comm. No. 3763).

95–353. Proceedings of the Judicial Conference, March 9–10, 1978. Communication from the Chief Justice of the United States transmitting the proceedings of the meeting of the Judicial Conference of the United States held in Washington, D.C., on March 9 and 10, 1978, pursuant to 28 U.S.C. 331. (Exec. Comm. No. 4389).

95–365. Justice System Improvement. Message from the President of the United States transmitting proposals for changes in Law Enforcement Assistance Administration programs.

SUMMARY OF ACTIVITIES OF THE FULL COMMITTEE ON TI
JUDICIARY

AUTHORIZATION OF FUNDS FOR THE DEPARTMENT OF JUSTIC

As a result of Public Law 94–503, funds may be appropriated
Justice Department only if they have been specifically authori
legislation for that fiscal year. The first authorization bill for
partment, pursuant to the new law authorized appropriatio
fiscal 1979.

The Judiciary Committee approached its newly-establishe
thorization function in a deliberate and systematic manner.
ducted 9 days of hearings, receiving testimony from public wit
and from officials in every agency and division within the Depar
of Justice seeking funds for fiscal year 1979. Upon completion
hearings the committee spent three days marking up the autho
legislation and on April 26, 1978, the committee by a vote o
favorably reported the bill H.R. 12005 to the House. (Public
95–624).

REVISION OF TITLE 49, UNITED STATES CODE—"TRANSPORTATIO

In response to Executive Communication No. 3316, the cha
of the Judiciary Committee, the Honorable Peter W. Rodino
introduced H.R. 9777, a bill to revise, codify, and enact withou
stantive change the Interstate Commerce Act and related laws a
title IV of title 49 United States Code, "Transportation."

Throughout the codification of subtitle IV of title 49, there was
liaison between the Office of the Law Revision Counsel and the
state Commerce Commission. After full committee mark-u
July 25, 1978, H.R. 10965 (H.R. 9777 with changes) was or
favorably reported, amended, to the House. The President signe
bill into law on October 17, 1978. (Public Law 95–473).

OTHER LEGISLATIVE ACTIVITY

Numerous public laws were enacted during the 95th Congress
ering diverse legislative subjects. A brief summary of some of
laws follows.

Legislation was enacted to replace the two existing hemisp
immigration ceilings with one world-wide ceiling of 290,000, a
create a Select Commission on Immigration and Refugee Policy.
Commission is charged with studying the body of law relating to
subjects and to consider their social and economic impact on
country. The Commission is directed to present a complete set of
lative and administrative recommendations to the Congress by
tember 1980. (Public Law 95–412).

The committee processed legislation to provide for implementation of treaties for the transfer of offenders to and from foreign countries. Basically, the treaties and the legislation authorize the voluntary transfer of convicted offenders serving time in a foreign country to their own country for completion of their sentences. (Public Law 95–144).

Another committee achievement was the enactment of legislation which authorizes the exclusion and deportation of persons who engaged in persecution on behalf of the Nazis during World War II. (Public Law 95–549).

Action on legislation relating to ethics and financial disclosure by Government officials was continued in the 95th Congress. Work on this subject culminated in passage of the Ethics in Government Act which created the Office of Ethics and provided requirements for financial disclosure by officials and employees in all three branches of Government. (Public Law 95–521).

The enactment of the Foreign Intelligence Surveillance Act concluded six years of national debate on the issue of foreign intelligence surveillance. The Act includes provisions for a judicial warrant for foreign intelligence surveillance and prescribes the creation of two new judicial panels to hear applications for court orders and to consider appeals involving those applications. (Public Law 95–511).

A major achievement of this Congress was the enactment of the Bankruptcy Reform Act of 1978 the first major revision of the bankruptcy laws, (Title 11, United States Code) in 40 years. It covered all areas of bankruptcy law including the court and administrative structure for handling bankruptcy cases which have outnumbered all other Federal, civil and criminal cases combined in recent years. (Public Law 95–598).

H.J. Res. 554, a resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress was processed by the Committee on the Judiciary in the 95th Congress. It was considered and passed by the House and the Senate, and has been sent to the States for ratification.

The committee also approved H.J. Res. 638, to extend the ratification period of the proposed Equal Rights Amendment to a total of 14 years from the date it was initially passed by the Congress. The resolution passed the Senate October 6, 1978.

At the start of the 95th Congress, pursuant to a policy adopted in 1964, the Judicial Conference of the United States transmitted to the Congress is quadrennial survey of the judgeship needs of the United States District Courts and the U.S. Courts of Appeals. Legislation for additional judgeships was introduced by Chairman Rodino, as H.R. 3685.

When the subcommittee had finished its exhaustive inquiry into the current needs of the Federal courts, the full committee, on October 25, 26, and November 1, 2, 9, 10, and 30, 1977 considered the subcommittee's recommendation and ultimately reported H.R. 7843 as amended. Following approval of different versions by the House and Senate the conferees agreed to provide 117 new district judgeships and 35 new circuit judgeships. The House and Senate approved the Conference Report and the President signed the bill on October 20, 1978. (Public Law 95–486).

The protection of Children Against Sexual Exploitat
1977 was another important piece of legislation approved b
mittee in the 95th Congress. This legislation prohibits the
ploitation of children and the transportation and dissem
photographs or films depicting such exploitation. (P
95–225).

A law to curb interstate racketeering in the sale and d
of cigarettes was approved by the committee. This legisla
nates racketeering in the sale and distribution of cigarett
cigarette smuggling by making it unlawful to ship, transpo
or possess "contraband cigarettes". (Public Law 95–575).

SUMMARY OF THE ACTIVITIES OF THE SUBCOMMITTEES OF THE COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON IMMIGRATION, CITIZENSHIP AND INTERNATIONAL LAW

JOSHUA EILBERG (Pennsylvania), Chairman

ELIZABETH HOLTZMAN, New York **HAMILTON FISH, JR., New York**
SAM B. HALL, JR., Texas **HAROLD S. SAWYER, Michigan**
HERBERT E. HARRIS II, Virginia
BILLY LEE EVANS, Georgia

Tabulation of public bills referred to Subcommittee and disposition

Bills referred to subcommittee	229
Bills on which hearings were held	18
Bills reported favorably to full committee	8
Identical to bills reported favorably to full committee	69
Bills reported adversely to full committee	0
Bills pending in subcommittee	152
Bills reported to House	7
Bills passed House	7
Bills pending in House	0
Bills pending in Senate	0
Bills which became law	7

Tabulation of private immigration and nationality bills, 95th Congress

House bills:	
Private laws	98
Passed House, pending in Senate	7
Adversely acted on, tabled by full committee	97
Ordered favorably reported to House by the full committee	2
Deferred of administrative remedies or action on pending public legislation	53
Requests to waive rule 4 of the Committee Rules of Procedure deferred for administrative remedy	4
Ordered unfavorably reported to the full committee	7
Awaiting receipt of departmental reports	67
Bills awaiting final action	86
Bills on which no action taken, pending enactment of public legislation	14
Tabled in previous Congress	1
Senate bills passed in lieu	10
Bills awaiting receipt of further information from authors	84
Requests to waive rule 4 of the Committee Rules of Procedure awaiting action	8
Bills on which authors have not requested any action (not considered pending bills since no interim benefit is accruing to the persons named in those bills)	5
House joint resolutions pending	----
House resolutions approved	2
Recommitted to committee	2
Senate bills:	
Private laws	41
Pending	56
Requests to reconsider adverse action by the subcommittee	----
Deferred for administrative remedies	21
Ordered unfavorably reported to the full committee	----
Tabled	1
Senate joint resolutions pending	----
Private bill which became public law	1
Total bills	667
Total private laws	139

The Subcommittee on Immigration, Citizenship, and International Law, has jurisdiction over legislation on immigration, nationality, international law and related matters, as well as other legislation which may be assigned. The subcommittee processes and considers a large number of private immigration bills, adjustment of status cases, and cases referred to the subcommittee by the Attorney General in which he has exercised his discretionary authority to waive certain provisions of the Immigration and Nationality Act or his special authority to grant conditional entry status or to parole certain refugees into the United States. The subcommittee reviews approved petitions granting preference status in the issuance of immigrant visas to certain workers and specialists, analyzes numerous general immigration bills, as well as other assigned public bills, and exercises oversight jurisdiction which requires continuous consultation with both Government and private agencies as well as field investigations. Furthermore, the staff of the subcommittee devotes considerable time to answering telephonic inquiries from Members' offices, as well as analyzing individual immigration problems and cases referred to the subcommittee by Members of Congress.

During the 95th Congress, the Subcommittee held 51 meetings, including hearings, on pending legislation and oversight matters. Subjects covered were: authorization of appropriations for the operations of the Immigration and Naturalization Service and the Board of Immigration Appeals; replacing the two hemispheric immigration ceilings with one world-wide ceiling; establishing a Select Commission on Immigration and Refugee Policy; establishment of a statutory refugee policy; reform of current refugees admission procedures; the establishment of permanent legislation to implement prisoner transfer treaties; investigation of U.S. inaction in deporting alleged Nazi war criminals; grand jury reform; legislation authorizing the exclusion and deportation of Nazi war criminals; adjustment of immigration status of Indochina refugees; oversight of the Immigration and Naturalization Service; the admission of additional Indochinese, Soviet, Cuban, and Lebanese refugees; extension of the Indochina Migration and Refugee Assistance Act; revising the requirements for the immigration and naturalization of foreign adopted children; continuing the United States participation in Interpol (the International Criminal Police Organization); the Public Safety Officers Group Life Insurance Act; private legislation; the immigration of foreign medical graduates; amending the English language requirement for naturalization; extraterritorial criminal jurisdiction; restoring rights of citizenship to Jefferson Davis; Haitian emigration; and repeal of the retention of citizenship requirements for certain U.S. citizens abroad.

The subcommittee held 13 meetings on private immigration and nationality bills. The first meeting was held on February 8, 1977, at which time the rules of the subcommittee were adopted. There were 18 days of hearings on general legislation, as well as 6 markup sessions on such legislation.

In addition to the action on private immigration and nationality bills summarized in the table above, the subcommittee considered numerous requests to waive Rule 4 of the Subcommittee Rules of Procedure which provides that the subcommittee shall not request departmental reports on private bills for aliens who have entered the United States as nonimmigrants, in transit aliens, crewman, stowaways, or by surreptitiously entering through the land or sea borders of the U.S.

A summary of the activities of the subcommittee follows.

I. Public Legislation Enacted Into Law

AUTHORIZATION OF APPROPRIATIONS FOR THE OPERATIONS OF THE IMMIGRATION AND NATURALIZATION SERVICE, THE BOARD OF IMMIGRATION APPEALS, AND INTERPOL

S. 3151.—As a result of Public Law 94–503, funds may only be appropriated for Justice Department operations which have been authorized by authorizing legislation for that specific fiscal year. The first authorization bill for the department pursuant to the new law authorized appropriations for fiscal year 1979. The Subcommittee on Immigration, Citizenship and International Law was responsible for making recommendations to the full committee regarding the funding for the Immigration and Naturalization Service (INS), and the Board of Immigration Appeals. The subcommittee recommended four amendments to the Administration's request for the INS which were adopted by the full committee. The amendments were: an increase of $22 million in the amount which the administration requested for the Service which would provide 1,000 positions for the U.S. Border Patrol, 200 investigators to fight the smuggling of illegal aliens, and 210 processors to reduce backlogs in the processing of immigration nad naturalization cases; an earmarking of $2 million for the functions of the special litigation unit charged with litigating cases of deportation and denaturalization of alleged Nazi war criminals; a prohibition against using authorized funds to implement any reorganization plan which would transfer the Border Patrol from the Justice Department; and specific authorization for INS to perform various functions previously authorized in appropriation bills.

The subcommittee held 3 days of hearings on this legislation, on February 22, 23, and March 9, 1978. Through hearings, investigations, and written submissions by the Justice Department, the subcommittee thoroughly examined the functions of the Service in order to prepare the subcommittee recommendations. The subcommittee's investigative study mission to the Southwest border (discussed further in this report), oversight hearings, and hearings concerning alleged Nazi war criminals all provided information upon which the subcommittee's recommendations were based.

The full committee favorably reported the bill, H.R. 12005 on May 12, 1978 (H. Rept. 95–1148), after adopting the subcommittee's recommendations. The committee report provides a detailed explanation of the aforementioned amendments with respect to INS. The House passed the bill on September 28, 1978, with a subcommittee amendment calling upon the Attorney General to revise present admission criteria for Indochinese refugees to enable more Cambodians to qualify.

The conference report containing the subcommittee amendments as well as the Cambodian amendment was approved by the Senate on

October 13, 1978 and by the House on October 14, 1978. The President signed the bill into law on November 9 (Public Law 95–624).

Included in the final version of this law was a provision authorizing the removal of the statutory ceiling for U.S. dues to Interpol (the International Criminal Police Organization). The subcommittee held hearings on similar legislation on March 30, 1977. Numerous questions were raised concerning the effectiveness of the organization, lack of utilization by local U.S. agencies, and the protection of the privacy of Americans in the transfer of information through Interpol. The subcommittee conducted a survey of federal and local law enforcement officials concerning their usage of Interpol and the results of the survey are contained in the printed transcript of the hearing. (United States Participation in the International Criminal Police Organization—Interpol, Serial No. 32.)

WORLDWIDE CEILING, SELECT COMMISSION ON IMMIGRATION AND REFUGEE POLICY, AND REFUGEE ADJUSTMENT OF STATUS

H.R. 12443.—This legislation replaces the two hemispheric immigration ceilings (170,000) for the Eastern Hemisphere and 120,000 for the Western Hemisphere) with one world-wide ceiling of 290,000. It does not change the amount of immigration, but it equalizes the treatment of both hemispheres. This legislation is the third step in a reform process which began in 1965, the purpose of which was to establish a uniform, non-discriminatory and numerically-unified immigration system.

The legislation also creates a Select Commission on Immigration and Refugee Policy which is charged with comprehensively studying the body of law relating to these subjects and the impact of immigration and refugee policy on the United States. The Commission is to present a complete set of legislative and administrative recommendations to the Congress by September 1980. The Commission will be composed of members of the public, the President's Cabinet, and the House and Senate.

The legislation also provides that, for the life of the Select Commission, all refugees will be eligible for the retroactive adjustment of status procedure which is now available to Cuban and Indochinese refugees.

Following subcommittee markup of similar legislation, a clean bill, H.R. 12443, was introduced by the Honorable Joshua Eilberg, subcommittee Chairman, and was cosponsored by the entire subcommittee.

The full committee favorably reported H.R. 12443 on May 18, 1978 (House Rept. No. 95–1206) and the House passed the bill under suspension of the rules on July 18, 1978. The Senate passed H.R. 12443 on September 20, 1978 and the President signed the legislation into law on October 5, 1978 (Public Law 95–412).

OFFENDER TRANSFER TREATIES

S. 1682.—To provide for implementation of treaties for the transfer of offenders to and from foreign countries.

On July 19 and 21, 1977, respectively, two treaties, one with Canada and the other with Mexico, received the advise and consent of the

Senate. The treaties were not self-executing and required legislation for their implementation.

Basically, the treaties provide for the voluntary transfer of convicted offenders serving time in a foreign country to their own country for completion of their sentence. Once transferred, the parole law of the receiving country is applicable. Another treaty provision precludes attack of an offender's foreign conviction in the courts of the offender's home country.

The implementing legislation was introduced in the House on May 12, 1977 (H.R. 2148) by the Honorable Peter W. Rodino, Jr., committee chairman, at the request of the Administration. The subcommittee held two days of hearings on the bill on September 16 and October 6, 1977. This legislation, as well as providing for the implementation of the Canadian and Mexican treaties which had already been ratified at the time of its passage also serves as a basis for future similar prisoner transfer treaties, such as the treaty signed with Bolivia during the second session.

The legislation sets forth detailed procedures and guidelines for pre-transfer consent verification hearings, at which time offenders are apprised of the terms and conditions of their transfer. These provisions were included to cure any constitutional problem which might arise out of the treaty limitations.

S. 1682, was reported out of the Senate Judiciary Committee, with amendments, on September 15, 1977. The bill passed the Senate on September 21, 1977. The subcommittee ordered S. 1682, as amended, favorably reported to the full committee on October 13, 1977 (action on H.R. 7148 was postponed indefinitely), and the full committee reported the bill to the House (H. Rept. 95–720) on October 18, 1977. The bill passed the House on October 25, 1977, and was signed into law on October 28, 1977 (Public Law 95–144).

During the second session, the subcommittee followed closely the implementation of the Mexican-U.S. treaty and received periodic statistical progress reports. Staff also met with representatives of the Departments of State and Justice to discuss similar treaties with Canada and Bolivia and the progress of negotiations on a possible treaty with Turkey.

The subcommittee intends to continue its oversight and hopes to hold hearings in the next Congress to discuss in greater detail the implementation of those treaties.

ADJUSTMENT OF IMMIGRATION STATUS FOR INDOCHINESE REFUGEES

H.R. 7769, Title I.—This legislation enables any Indochinese refugee, who is not specifically ineligible, who has been present in the United States for two years, to adjust his immigration status from parolee to permanent resident alien. This later status eventually allows such refugees to apply for naturalization.

The subcommittee held hearings on a similar bill, H.R. 2051, on May 25 and June 2, 1977. Following subcommittee markup, a clean bill, H.R. 7769, was introduced by the Honorable Hamilton Fish, ranking minority member of the subcommittee and was cosponsored by the entire subcommittee.

The full committee ordered H.R. 7769 favorably reported (H. Rept. 95–547) on July 13, 1977. The House passed the bill on September 27, 1977, on the suspension calendar.

The Senate passed H.R. 7769 on October 10, 1977, with amendments which are discussed below. The House concurred in the Senate amendments on October 18, 1977, and the President approved the bill on October 28, 1977 (Title I of Public Law 95–145).

EXTENSION OF INDOCHINA REFUGEE ASSISTANCE PROGRAM

H.R. 7769, Title II, and H.R. 12509.—Extended the Indochina Migration and Refugee Assistance Act of 1975 for four years. This program reimburses the states for medical, cash, and social service assistance provided to refugees. Under the bill, this assistance would be phased down and terminated in four years. The legislation also authorizes the expenditure of $25 million for job training and placement projects. These projects are specifically designed to train and place those refugees who are now receiving cash assistance.

As a result of an executive communication, H.R. 9133 and H.R. 9134 were introduced respectively by the Honorable Peter W. Rodino, Jr., chairman of the full committee, and the Honorable Joshua Eilberg, chairman of the subcommittee.

The subcommittee held hearings on various extension bills on September 23 and 27, 1977. Testimony was received from Members of Congress, as well as from officials from the Departments of State and H.E.W., state and local governments, and the voluntary resettlement agencies. The hearings revealed the need for a more expanded program than embodied in the Executive Communication.

As noted above, on October 10 the Senate passed H.R. 7769, which authorized Indochina refugees to adjust their immigration status. The Senate amended the bill to include an extension of the assistance program which was more comprehensive than the Administration's bill.

The full House approved the amended bill on October 18, 1977, under suspension of the rules. The bill was signed into law on October 28, 1977 (Title II of Public Law 95–145).

The number of Indochina refugees authorized for admission increased after the signing of Public Law 95–145. The states, the voluntary resettlement agencies and the administration supported modifications of the reimbursement levels in Public Law 95–145 and proposed that there be a continuation of 100 percent reimbursement to the states for Fiscal Year 1979 instead of 75 percent specified in Public Law 95–145. On October 10, 1978 the Senate passed H.R. 12509, with a non-germane amendment providing for a continuation of 100 percent reimbursement for Fiscal Year 1979, and a termination of funding for the program at the end of that Fiscal Year. The bill was to serve as an interim measure pending passage of a comprehensive national refugee policy bill which deals with both the admission and domestic resettlement of refugees.

In accordance with the recommendation of the committee and subcommittee, the Senate amendment was agreed to by the House under suspension of the rules. The President signed the bill on October 30 (Public Law 95–549).

ALLEGED NAZI WAR CRIMINALS

H.R. 12509.—This legislation authorizes the exclusion and deportation of persons who engaged in persecution on behalf of the Nazis during World War II. This new law fills a gap in our present immigration law. The Refugee Relief Act of 1953 and the Displaced Persons Act of 1948, under which most refugees entered the United States at the conclusion of World War II, contained similar provisions. However, some alleged Nazi war criminals entered the U.S. under the normal operation of the Immigration and Nationality Act of 1952 which contained no such provision. H.R. 12509 applies to persons who enter or have entered under that basic Act.

Following subcommittee markup of H.R. 410 and 412, introduced by the Honorable Elizabeth Holtzman, a Member of the subcommittee, a clean bill, H.R. 12509, was introduced by Ms. Holtzman and was sponsored by all members of the subcommittee.

H.R. 12509 was favorably reported by the full committee on July 11, 1978 (H. Rept. No. 95–1452). The bill as reported would have applied to all individuals who engaged in persecution of persons on the basis of race, religion, political opinion, or national origin. A floor amendment limited its application to those persons who engaged in persecution on behalf of the Nazis during World War II. The bill passed the House on September 26, 1978, and passed the Senate amended on October 10. The House concurred in the Senate amendment on October 13. The bill was signed by the President on October 30 (Public Law 95–549).

IMMIGRATION AND NATURALIZATION OF FOREIGN ADOPTED CHILDREN

H.R. 12508.—Among other reforms, this legislation removed the limitation in the Immigration and Nationality Act, of two per family, on the number of immediate relative petitions which could be approved on behalf of alien adopted children. Prior to this new law, families wishing to adopt a third foreign child had to apply for his or her admission as a non-preference immigrant.

The subcommittee held a hearing on several bills to remove this limitation on June 15, 1977. The legislation was endorsed by all witnesses which included members of Congress, representatives of the Departments of State, Justice, and H.E.W., as well as adoptive parents, and adoption agencies.

The legislation strengthens present requirements concerning home studies of adoptive families and requires, in every case, that before a child is permitted to immigrate for the purpose of adoption, a valid home study must be conducted, and the adoptive family must be approved.

The legislation repeals the naturalization requirement of two years residence and one year physical presence in the United States, for adopted children. The bill also makes adoptive children for the first time eligible to derive citizenship automatically when their parents become naturalized. The procedure had previously been available only to natural born children. The legislation applies uniform requirements for the immigration of children to the preference and non-preference categories to avoid circumvention of normal procedures through the non-preference route.

Following subcommittee mark-up of similar legislation on April 20, 1978, a clean bill, H.R. 12508, was introduced by the Honorable Herbert E. Harris II and was co-sponsored by a majority of the subcommittee. The full committee favorably reported the bill on June 6, 1978, a clean bill, H.R. 12508, was introduced by the Honorable by a vote of 413 to 0. The Senate passed it on September 20, 1978. The President approved H.R. 12508 on October 5 (Public Law 95–417).

DERIVATIVE CITIZENSHIP

H.R. 12508.—This legislation, discussed above, provides that a child under the age of eighteen automatically derives United States citizenship through the naturalization of his parents. Previously, such derivative citizenship was conferred only on children under the age of sixteen.

The Honorable Peter W. Rodino, Jr., chairman of the full committee, introduced legislation to accomplish this purpose in the 90th, 91st, 92nd, 93rd, 94th, and 95th Congresses. The legislation passed the House in the 90th, 91st, and 92nd Congresses.

H.R. 668.—Introduced by Mr. Rodino in this Congress to accomplish this purpose was incorporated into H.R. 12508 at subcommittee markup on April 20, 1978 because both bills amended the same naturalization sections of the Immigration and Nationality Act. This provision was retained in H.R. 12508, and it became part of P.L. 95–417, discussed above.

ENGLISH LANGUAGE REQUIREMENT

S. 2247.—Repeals the English language requirement for naturalization for persons who are fifty years of age and who have been lawfully residing in the United States for 20 years. Legislation for this purpose was introduced by Mr. Rodino, chairman of the full committee and approved by the House in the 90th, 91st, 92nd, and 93rd Congresses. Mr. Rodino also introduced such legislation in the 94th and 95th Congresses.

S. 2247.—Passed the Senate on May 23, 1978 as a private bill waiving the requirement for one person. The subcommittee marked up the legislation by incorporating H.R. 667, the public legislation which had been introduced by Mr. Rodino. The full committee favorably reported the bill on Oct. 3 (H. Rept. 95–1683). The House passed S. 2247 on May 23, and the Senate concurred in the House amendment on October 15. The President signed S. 2247 on November 2, 1978 and it became Public Law 95–579.

RETENTION OF CITIZENSHIP

H.R. 13349.—Repealing certain expatriation sections of the Immigration and Nationality Act. The legislation repeals sections 301(b) of the Immigration and Nationality Act, the retention of citizenship requirement for certain U.S. citizens who acquired citizenship at birth (i.e. born abroad to one U.S. citizen parent who had fulfilled a U.S. residency requirement and one alien parent). Persons acquiring citizen ship in this manner constituted the only class of U.S. citizens subject to a U.S. residency requirement for retention of that citizenship. The bill also repealed several other expatriation sections of the Immigration and Nationality Act which have been declared unconstitutional or which no longer have any significant effect. The legislation was strongly supported by the Departments of State and Justice.

Mr. Eilberg, chairman of the subcommittee, introduced similar legislation. H.R. 9637. Following subcommittee markup of H.R. 9637, a clean bill, H.R. 13349 was introduced by Mr. Eilberg and was cosponsored by the Honorable Robert McClory, Ranking Minority Member of the full committee, and by the entire subcommittee. The full committee favorably reported the bill on July 18, 1978, with a Subcommittee amendment that the legislation would operate prospectively only (H. Rept. 95–1943). The House passed H.R. 13349 under suspension of the rules on September 19, 1978. The bill passed the Senate on September 28, 1978, and the President approved it on October 10, 1978. (Public Law 95–432).

FORFEITURE OF VEHICLES USED IN ILLEGAL ALIEN SMUGGLING

H.R. 12393.—Provides for nationwide service of subpoenas in cases brought under the False Claims Act. This legislation, which is within the jurisdiction of the subcommittee on Administrative Law and Governmental Relations passed the House on September 18, 1978. The Senate passed the bill on October 13, 1978, with a nongermane amendment providing for the forfeiture of vehicles used in illegal alien smuggling. Oversight hearings by the subcommittee on Immigration, Citizenship and International Law demonstrated the need for such a provision. The House accepted the subcommittee and committee recommendations to concur in the Senate amendment which was accomplished on October 14, 1978. The President signed the bill into law on November 2 (Public Law 95–582).

PASSPORTS

H.R. 12598.—Foreign Relations Authorization Act for Fiscal Year 1979—Subcommittee Chairman Eilberg offered a floor amendment to this bill, which was adopted to make it unlawful for a U.S. citizen to enter or leave the U.S. without a valid passport. The amendment to the bill which was within the jurisdiction of the Committee on International Relations was strongly supported by the Administration. The President signed the bill on October 7, which became Public Law 95–426.

POSTHUMOUS RESTORATION OF FULL RIGHTS OF CITIZENSHIP TO JEFFERSON DAVIS

S.J. Res. 16.—This legislation invokes Congress' Power under Section 3 of the Fourteenth Amendment to the Constitution to restore posthumously the legal disabilities which that section imposed on Jefferson Davis, the President of the Confederacy. A similar resolution was enacted in the 94th Congress with respect to General Robert E. Lee.

On April 27, 1977, the Senate passed S.J. Res. 16. Following subcommittee markup of a similar resolution, a clean resolution, H.J. Res.

1041 was introduced by the Honorable Sam Hall, a member o
subcommittee, and was co-sponsored by a majority of the mer
of the subcommittee. The full committee favorably reported the re
tion on August 14, 1978 (H. Rept. No. 95–1488). On September 26,
the House passed H.J. Res. 1041 by unanimous consent. S.J. Re
was then amended by incorporating the language of H.J. Res.
S.J. Res. 16 was then passed by unanimous consent. The Senate
curred in the House amendment on October 3, 1978 and the Pres
signed the resolution on October 17, 1978 (Public Law 95–466).

OUTER CONTINENTAL SHELF

S. 9.—Outer Continental Shelf Lands Act Amendments of
In 1953, the Committee on the Judiciary first considered and sec
passage of legislation to govern the leasing and exploitation o
mineral resources in federal lands located offshore, beneath the C
Continental Shelf. As a result of an expressed intention to accel
OCS development in 1974, the Judiciary Subcommittee on Imm
tion, Citizenship, and International Law held extensive oversight h
ings on OCS programs and policies in January, February,
March, 1974.

In February and March of 1975, a number of bills proposing am
ments to the 1953 Outer Continental Shelf Lands Act were introd
and referred to the Judiciary Committee and other committees
avoid jurisdictional disputes and to expedite legislative considera
of the various OCS issues, the House adopted H. Res. 412, establis
an Ad Hoc Select Committee on the Outer Continental Shelf to
sider OCS reforms consisting of Members from the Judiciary, Inte
and Insular Affairs, and Merchant Marine and Fisheries Commit

Pursuant to this resolution, six Judiciary Committee Members
assigned to the select committee, led by the chairman and ranking
nority member of the Subcommittee on Immigration, Citizenship,
International Law.

After nine months of hearings in 17 cities, and involving over
hundred and fifty witnesses and five months of markup, a bill,
6218, was reported to and passed overwhelmingly by the House. A
a conference to resolve differences with the Senate bill, S. 521, a
ference report (House Report 94–1632) was filed in the House.
conference report was recommitted by the House on Septembe
1976.

As Congress was scheduled to adjourn sine die within a few
and with the threat of a veto, there was not sufficient time fo
House and Senate to reconsider S. 521 during the 94th Congre

Almost as soon as the 95th Congress convened, and with the st
support of the Carter Administration, H.R. 1614, the Outer
tinental Shelf Lands Acts Amendments of 1977, the bill as repo
out by the Conference Committee in 1976, was introduced and refe
to the Judiciary and other Committees. On January 11, 1977, H.
97 reestablished the Ad Hoc Select Committee, to consider
reforms, again consisting of members from the Judiciary, Inte
and Insular Affairs and Merchant Marine and Fisheries Commit
Representation of the Judiciary Committee was led by the chair

and ranking minority member of the Subcommittee on Immigration, Citizenship, and International Law and staff from the Judiciary Committee was assigned to the Select Committee.

Eight days of hearings, involving over fifty witnesses were held in March, April, May and June of 1977. After eight days of markup, a bill, H.R. 1614, was reported to the House on August 24, 1977 (House Report 95-590).

The Rules Committee in early January scheduled floor action, and H.R. 1614 was considered by the House on January 25, 26, 31, February 1 and 2, 1978. After consideration of over 70 amendments, the House overwhelmingly passed the bill by a vote of 291-91, on February 2.

The Senate had passed its own OCS bill, S. 9, on July 15, 1977. The House-Senate conference report was filed on August 10, 1978 (H. Rept. No. 95-1474). The conference report was approved on August 17th in the House and August 22 in the Senate. The President signed the bill on September 18 (Public Law 95-372).

II. Action on Other Public Legislation

REFUGEE POLICY

H.R. 7175.—This bill proposed the establishment of a policy and procedure governing the admission of refugees into the United States. At the present time no specific statutory authority exists for the admission of large groups of refugees and Congress has only an advisory role in the admission process. The bill proposes numerical limitations for normal refugee flows, and provides separate treatment for emergent refugee situations which may arise. It defines the term refugee, and thereby removes distinctions based on geography and political opinion. It also establishes a criteria for refugee admission, formalizes the congressional consultation process, eliminates the use of "ad hoc parole" for groups of refugees and gives each house of Congress a veto over the admissions of refugees.

The subcommittee held hearings on the legislation on February 24, March 3, and April 22, 1977. On May 4, 1977, the committee marked up and approved H.R. 7175 which was introduced as a clean bill on May 13, 1977, and was sponsored by subcommittee members: Eilberg, Evans, Fish, and Sawyer.

After the introduction of the bill, the Administration informed the subcommittee that it desired to submit additional comments on the legislation.

On March 1, 1978, the subcommittee held a hearing at which private citizens testified on the Indochinese refugee situation and on refugee policy. Witnesses included a citizens commission which had just returned from Indochina.

At a subcommittee hearing on April 12, 1978 the Administration submitted testimony on the bill. In a letter to the President on August 7, 1978, subcommittee Chairman Eilberg urged the development of a comprehensive, coherent and coordinated refugee policy. Subsequently, the Attorney General advised that legislation on the subject would be submitted early in the 96th Congress.

GRAND JURY REFORM

H.R. 94.—Hearings on grand jury reform proposals, partic
H.R. 94 introduced by subcommittee Chairman Eilberg, were h
March 17, April 27, June 1, June 29, and October 13, 1977. Test
was received from representatives of the Department of Justic
Judicial Conference, and the American Bar Association, with s
proposals for consideration by the subcommittee. In addition,
sentatives from state and local bar associations, state pros
offices, regional judge's associations, and civil liberty and other r
groups also testified and offered comments; criticisms, and s
tions. Finally, individual citizens, unions, business groups, j
lawyers, and professors testified. In addition to the numerou
nesses who testified, many individuals and groups provided su
sions for inclusion in the record.

Mr. Eilberg also submitted testimony in support of reform
posals before the Subcommittee on Administrative Practice and
cedure of the Senate Committee on the Judiciary. During the
Congress, several states enacted statutes similar to provisions of
94 to apply to state grand juries.

EXTRATERRITORIAL CRIMINAL JURISDICTION

H.R. 6148, H.R. 7842.—To amend Title 18 of the U.S. Code t
courage, and subject to federal penal jurisdiction, criminal cond
Antarctica by U.S. citizens and certain foreign nationals. H.R.
subject certain nationals or citizens of the U.S. (those employe
and/or accompanying the United States Armed Forces) to the
diction of U.S. district courts for certain crimes committed o
the territorial limits of the United States. The subcommittee
hearings on these three bills on July 21, 1977. The proposals
fill 2 jurisdictional "voids" which presently exist in our federal
nal jurisdictional scheme.

THE PUBLIC SAFETY OFFICERS GROUP LIFE INSURANCE ACT

H.R. 6845 and S. 262.—These bills provide for limited federal
ticipation in a group life insurance program for public safety o
(police, firemen, and others). H.R. 6845 was introduced by su
mittee Chairman Eilberg with 20 cosponsors. On September 16,
the Senate passed S. 262. The subcommittee held a hearing on the
on August 16, 1978. Testimony was heard from the Justice De
ment, Senator Edward M. Kennedy, representatives of police and
men, and insurance experts. The subcommittee conducted a s
of police and fire agencies and insurance companies regardin
legislation.

III. OVERSIGHT HEARINGS

ADMISSION OF INDOCHINESE AND OTHER REFUGEES

In addition to hearings in connection with the refugee legis
mentioned above, the subcommittee held the following hearings
meetings concerning admission of refugees.

August 1977 Decision

On August 4, 1977, the subcommittee held a hearing concerning a proposal by the Attorney General to parole (admit) an additional 15,000 Indochinese refugees. The Attorney General was the principal witness while officials from the Departments of State and H.E.W. also testified. As a result of the hearing, the Attorney General was advised that no objection would be interposed to the parole of the 15,000 refugees.

The chairman of the subcommittee also called upon the President, in a letter of July 12, 1977, to convene an International Conference to address the long-term problem of Indochinese refugees.

January 1978 Decision

On January 25, 1978 the Attorney General authorized the parole of an additional 7,000 Indochinese refugees. This action was taken after a subcommittee hearing on January 24 on the proposal. Patricia Derian, Assistant Secretary of State for Humanitarian Affairs and Commissioner Leonel Castillo, Commissioner of the Immigration and Naturalization Service testified. After the hearing, the Attorney General was notified in a letter from subcommittee Chairman Eilberg and Representative Fish, that no objection would be interposed to his proposal.

June 1978 Decision

On June 1, 1978, Members of the subcommittee met with the Associate Attorney General and representatives of the State Department to consult on a proposal by the Attorney General to admit 25,000 additional Indochinese refugees, and 12,000 Eastern European and Soviet refugees by May 1, 1979, and 500 Latin American detainees and their dependents predominantly from Argentina. As a result of the meeting, the Attorney General was informed that the committee would not interpose any objection to his proposal.

December 1978 Decision

On November 28, 1978, the Attorney General met in a public meeting with committee Chairman Peter W. Rodino, Jr., subcommittee Chairman Joshua Eilberg, the Honorable Robert McClory, and the Honorable Hamilton Fish, Jr. The Attorney General, accompanied by State Department officials, consulted with the committee Members on his proposal to parole 22,045 more Indochinese refugees by May of 1979, in addition to those already authorized, 1000 Lebanese victims of civil strife in that country, and 3000 Cuban political prisoners released from Cuban prisons.

Subsequent to this consultation, the Attorney General formally announced the institution of the aforementioned program. There was general agreement at the meeting that refugee reform legislation is necessary to set forth an orderly procedure for refugee admissions.

ADMINISTRATION OF REFUGEE PROGRAMS

A hearing was held on February 24, 1977, to review existing United States refugee policies, programs, and funding. Testimony was received from Mr. James Carlin, Deputy Coordinator for Human Rights and Humanitarian Affairs, Department of State. Mr. Carlin reviewed

the history of the government's efforts and participation in th
national community in various refugee situations.

Subcommittee staff maintained continuous contact with St
partment officials on refugee issues during the 95th Congres

IMMIGRATION AND NATURALIZATION SERVICE

In addition to the subcommittee hearings held in prep
for the Justice Department authorization bill, discussed pre
the subcommittee held the following oversight hearings to rev
operations of the Immigration and Naturalization Service.

On March 9, 1977, the subcommittee held an INS oversigh
ing which related to the smuggling of illegal aliens into the
States. On March 23, 1977, another hearing was held concern
operations and administration of the Service. In particular, t
committee reviewed the Detention and Deportation function. O
5, 1977, the subcommittee chairman testified before the Appropr
Committee in favor of additional personnel and funds for t
for the purpose of improving the enforcement and service fu

A public hearing was held on August 3 to discuss legal issue
had arisen involving the Immigration and Naturalization
Testimony was received from David Crosland, General Cou
the INS. Of particular interest to the subcommittee were the
proposed procedures for dealing with Haitians claiming asy
southern Florida, Filipino War Veteran naturalization proc
and the class action suit, *Silva* v. *Levi*, Civil No. 76 C 426
District Court, N.D. Ill., March 10 1977 unreported).

ALLEGED NAZI WAR CRIMINALS

The subcommittee has been investigating the adequacy o
government action on allegations of illegal entry of alleged N
criminals residing in the United States. The subcommittee
amined charges of inaction by the U.S. government and has
monitored present action by the departments of State and Ju
deport and denaturalize alleged Nazi war criminals.

Subcommittee staff monitored deportation hearings agains
slavs Maikovskis, Karlis Detlavs, and Villis Hazners.

On January 13, 1977, the chairman of the subcommittee re
the GAO to conduct an investigation relative to the handling
deportation and denaturalization cases of alleged Nazi war cr
in the United States. The GAO encountered difficulty beca
Justice Department limited access by the GAO to files and in
tion. An oversight hearing was held on August 3, 1977, concerni
problem and the status of INS' and GAO's investigations.

On May 15, 1978, the GAO report was received. On July 19,
21 the subcommittee held hearings on U.S. action on the Naz
from World War II to the present. The subcommittee heard wi
from GAO, former officials of the departments of State and
who were responsible for the administration of the Refugee Rel
Displaced Persons Acts, officials now responsible for prosecut
the cases, and private researchers. The subcommittee contin
investigation throughout the second session.

FOREIGN MEDICAL GRADUATES

On March 24, 1977 the subcommittee held an oversight hearing to review several problems that had developed in the implementatioin of title VI of the "Health Professions Educational Assistance Act of 1976". That title established certain requirements which must be satisfied in order for a foreign medical graduate to immigrate to the U.S. or to enter this country as a nonimmigrant temporary worker or as an exchange visitor. As a result of this hearing and based on initiatives taken by the subcommittee, amendments were made to Public Law 94–484 and these amendments were included in Public Law 95–83.

On August 2, 1978 at a private bill meeting, the subcommittee received testimony from H.E.W. representatives on the admission of foreign medical graduates.

IV. Special Studies

HUMAN RIGHTS IN EASTERN EUROPE

Subcommittee Chairman Joshua Eilberg led a delegation of Judiciary Committee Members to Eastern Europe in August of 1977 to review the human rights situation in Yugoslavia, Romania, Czechoslovakia, and Hungry, and U.S. consular activities in those countries. Additional issues discussed on this trip included: Interpol, refugees, Nazi war criminals, religious freedom, and the compliance of the various governments with the provisions of the Final Act of the Conference on Security and Cooperation in Europe (Helsinki Accords). A comprehensive report on that trip was prepared and it was entitled "Human Rights and U.S. Consular Activities in Eastern Europe" (Committee Print No. 12).

ILLEGAL ALIENS

At the request of the subcommittee, the Congressional Research Service of the Library of Congress prepared two reports relating to the illegal alien problem. The first document entitled "Illegal Aliens: Analysis and Background" (Committee Print No. 5) provides an extensive analysis of the problem including the processing of remedial legislation and oversight of the Immigration and Naturalization Service. The second publication entitled "Illegal Aliens and Alien Labor: A Bibliography and Compilation of Background Materials (1970–June 1977)" (Committee Print No. 9), draws together into one document most of the periodicals, research studies, and newspaper articles which have discussed various aspects of the illegal alien problem. It also provides a brief description of state laws that have been enacted on this subject and Supreme Court decisions relating to aliens. Both of these studies are designed to provide the subcommittee, the full committee, and the Congress with comprehensive information on the problem as well as an analysis of various social and economic factors that relate to that problem.

INDOCHINESE REFUGEES AND NONIMMIGRANT ALIEN LABOR IN GUAM

In July of 1978, subcommittee Member Billy Lee Evans, together with two Members of the committee staff, accompanied Members of the House International Relations Committee and other Members on an investigative study mission to the Far East. This trip enabled Representative Evans and staff to examine the refugee situation in Thailand and Malaysia as well as the nonimmigrant alien labor situation in Guam. A detailed report on the trip has been published and is entitled "Indochinese Refugees: An Update." (Committee Print No. 21.)

SPECIAL STUDY MISSION TO THE SOUTHWEST BORDER

From January 7, 1978 to January 18, 1978, the Honorable Hamilton Fish, Jr., Ranking Minority Member of the subcommittee, together with subcommittee staff conducted a fact-finding trip to the Southwestern border of the United States. The following questions and situations were addressed: the effectiveness of INS Border Patrol operations on the Mexican border; the impact of illegal aliens on the economic and sociological conditions in the area; the relationship and cooperation of INS and Customs personnel in controlling the illegal flow of aliens and contraband into the U.S.; reactions in the area to the legislation presented by the President with regard to amnesty and sanctions against employers; anti-smuggling and illegal entry activities of Mexican border authorities in cooperation with U.S. enforcement agencies.

As a result of the trip, the subcommittee published a detailed report by Mr. Fish entitled "Illegal Immigration and U.S.-Mexican Border Control: Analysis and Recommendations" (Committee Print No. 20). This report contains Mr. Fish's observations and findings and makes specific legislative and administrative recommendations to deal with illegal immigration and U.S.-Mexican border control.

VISA ISSUANCE PROCEDURES FOR NORTHERN IRELAND

In compliance with instructions from the Chairman of the Judiciary Committee, Members of the subcommittee and staff traveled to Northern Ireland, the Irish Republic and London during August and September for the purpose of reviewing visa issuance procedures for Irish nationals seeking temporary admission into the United States.

As a result of the facts developed in reviewing consular visa files on these individuals, the delegation became aware of a larger issue which required examination of the social, economic and political conditions in Northern Ireland which were found to have a direct impact on the visa decisions reached by consular authorities and the Department of State.

In expanding its inquiry, the delegation met with individuals and groups associated with the U.K. government of Northern Ireland, the Protestant and Catholic Churches, the para-military organizations on both sectarian sides, as well as with legal and judicial movements.

V. Special Legislative Jurisdiction

A. SUSPENSION OF DEPORTATION CASES

Under section 244 of the Immigration and Nationality Act, the Attorney General is authorized to adjust the status of certain deportable aliens to that of aliens lawfully admitted for permanent residence through the procedure of suspension of deportation. However, such action by the Attorney General is subject to congressional review.

Under the provisions of Section 244(a)(2) of that Act wherein affirmative action by the Congress is required in order to approve the Attorney General's suspension orders, the subcommittee reviewed 4 cases referred by the Attorney General. None were approved.

Ninety-nine cases were listed in H.J. Res. 489, which included cases referred to the Congress from 1966 through 1973. This joint resolution was ordered favorably reported by the full committee on July 19, 1977 (House Report 95–809) and passed the House December 6, 1977. The resolution passed the Senate October 13. The President approved on October 27, 1978 (Private Law 95–80).

In accordance with the provisions of Section 244(a)(1) of the Immigration and Nationality Act, the subcommittee reviewed 271 cases referred by the Attorney General and one case was disapproved as the result of full committee action on H. Res. 796 on October 11, 1977 (House Rept. 95–692) and House approval October 25, 1977.

B. 13(C) CASES

Under the provision of section 13(c) of the Act of September 11, 1957, (P.L. 85–316), the Attorney General is empowered to adjust the status of certain aliens who entered the United States in various dipomatic categories and who have failed to maintain their official status. However, such action by the Attorney General is subject to congressional review. The number of aliens whose status may be adjusted under this provision is limited to 50 in any fiscal year. Each of these 13(c) cases necessitates a detailed investigation of the facts involved, and requires a determination on the merits warranted. Thirty cases in this category were reviewed by the subcommittee during the Ninety-fifth Congress. H. Res. 795 was favorably reported by the full committee October 11, 1977 (House Rept. 95–691). The House approved the resolution on October 25, 1977, thus disapproving adjustment of status to 24 cases. Four cases were approved, and 2 cases had been disapproved in a previous Congress.

C. EXCLUDABLE ALIEN CASES

Certain provisions of the Immigration and Nationality Act grant to the Attorney General the discretionary authority to waive various provisions of the Act. In such cases, however, he is required to submit detailed reports on his action to the Congress. Under section 212(d)(6) of the Act, the Attorney General is required to report cases of aliens who are temporarily admitted to the United States under section

212(d)(3), although they are otherwise excludable. The subcommittee staff reviewed the 27,146 cases referred to the Subcommittee on Immigration, Citizenship, and International Law during the 95th Congress.

Section 212(a)(28)(I)(ii) of the Immigration and Nationality Act authorizes the Attorney General to admit certain aliens to the United States for permanent residence who are otherwise excludable because of their former membership in the Communist Party or other subversive organizations; provided it is established to his satisfaction that they are bona fide defectors. Twenty-two cases in this category were referred during the 95th Congress.

D. REVIEW OF ADMINISTRATIVE ACTION CASES

In accordance with the provision of section 203(f) of the Immigration and Nationality Act, the Attorney General submitted to the Congress, 13,353 reports during the 95th Congress, of approved applications for conditional entry. These reports were reviewed by the subcommittee staff in carrying out the committee oversight jurisdiction over refugee matters.

Under section 204(d) of the Immigration and Nationality Act, as amended by the Act of October 3, 1965 (Public Law 89-286), the Attorney General is required to submit to the Congress on the first and fifteenth day of each calendar month in which Congress is in session a complete report in each case where petitions for preference are approved under section 203(a) or section 203(a)(6) of that Act.

During the 95th Congress, 36,962 such reports were submitted and referred to the subcommittee for review.

SUMMARY OF ACTIVITIES OF THE ADMINISTRATIVE LAW AND GOVERNMENTAL RELATIONS

GEORGE E. DANIELSON, (California), *Chairman*

WALTER FLOWERS, Alabama
BARBARA JORDAN, Texas
ROMANO L. MAZZOLI, Kentucky
HERBERT E. HARRIS II, Virginia

CARLOS J. MOORHEAD, California
THOMAS N. KINDNESS, Ohio

Tabulation and disposition of public and private bills referred to the subcommittee

Public bills:	
Bills referred to subcommittee	431
Bills on which hearings were held	17
Bills reported favorably to full committee	29
Bills reported adversely to full committee	55
Bills reported to House	26
Bills passed House	25
Bills pending in the House	1
Bills pending in the Senate	3
Bills which became law	20
Bills which were pocket vetoed	2
Private bills:	
Bills referred to subcommittee	365
Bills on which hearings were held	14
Bills reported favorably to full committee	38
Bills reported adversely to full committee	35
Bills reported to the House	38
Bills passed House	36
Bills pending in the House	2
Bills pending in the Senate	12
Bills passed and referred to U.S. Court of Claims	2
Bills which became law	22

The Subcommittee on Administrative Law and Governmental Relations is referred public bills which concern administrative law and governmental relations. Its basic jurisdiction over administrative law including legislation relating to administrative procedure and practice including amendments to the Administrative Procedure Act as now codified in title 5 of the United States Code. The subcommittee is given jurisdiction over bills concerning claims against the United States, public contract law, and bills relating to relations between the several States. The latter area of jurisdiction relates principally to bills providing for the approval of interstate compacts. The oversight responsibilities of the subcommittee follow its legislative jurisdiction. These classifications of jurisdiction are actually basic guidelines which have been applied in the light of practice and experience in the committee.

The subcommittee's jurisdiction over the Tort Claims Act provisions of title 28 demonstrate this practical application. Thus the subcommittee's primary jurisdiction over claims matters also includes jurisdiction over matters which are incident to and necessary to that primary jurisdiction. Thus a bill relating to claims against the United

States may also provide court jurisdiction and judicial procedures disposing of claims made pursuant to the bill's provisions and the subcommittee's complete proposal for claims settlement. This is provided for in broad language of committee rule VII since it confers upon each subcommittee the authority to consider fully bills referred to it by the committee.

The breadth of subcommittee jurisdiction over matters affecting governmental relations is illustrated by the fact that bills have been referred to the subcommittee on subjects such as Federal regulation of lobbying and related activities, financial disclosure by Federal public officials, and ethics, immunity of foreign sovereignties against suit by citizens of the United States, and administrative processes under the legislation known as "Government in the Sunshine".

ETHICS AND FINANCIAL DISCLOSURE

In the 95th Congress the subcommittee continued the work commenced in the 94th Congress on legislation relating to ethics and financial disclosure by government officials. In the previous Congress, the subcommittee conducted hearings and reported the bill H.R. 3249, with subcommittee amendments, to the full committee but the Congress ended before it was possible to complete action on the bill. In the present Congress, on September 9 and September 13, 1977, the subcommittee held hearings on the bills H.R. 1, H.R. 9, H.R. 6954 and a large number of companion bills relating to financial disclosure by government personnel. The bills H.R. 1 and H.R. 9 and a series of companion bills provided requirements for financial disclosure by officials and employees in all three branches of the Government. The bill H.R. 6954 was introduced as recommended by the President and covered only the Executive Branch as to financial disclosure but also provided for an amendment to Section 607 of Title 18, the section barring certain government contracts by former officers and employees. The subcommittee revised the bill H.R. 1 to include the recommendations of the President on disclosure by executive branch personnel, the creation of an Office of Ethics, and amendment of Section 207 of Title 18, United States Code, dealing with conflict of interest and disqualification of former officers and employees from specified activity involving their former agencies. These provisions were included in Title II of the bill. In Title III, the subcommittee version further provided for equivalent financial disclosure by judicial branch personnel.

While H.R. 1 as originally introduced would have covered legislative branch personnel, on March 9, 1977, a House resolution was approved conferring exclusive jurisdiction upon the House Select Committee on Ethics over financial disclosure for the legislative branch. That committee subsequently reported the bill H.R. 7401 providing for such disclosure. The subcommittee amendment to H.R. 1, therefore, contained no substantive provisions on the subject of legislative branch disclosure, but did include as Title I a place for such provisions so the language could be subsequently added.

The subcommittee conducted its markup sessions on H.R. 1 on September 12, 13, 14, 15, 16 and 20 of 1977 and on September 20 ordered the amended bill reported to the full committee. The full committee held markups on the bill as amended on September 30, and October 5, 11 and 12, 1977, and ordered the bill with committee amendments reported to the House. The report was filed on November 2, 1977 as House Report No. 95–800.

The bill H.R. 6954 was jointly referred to the Post Office and Civil Service Committee, the Armed Services Committee, as well as the Committee on the Judiciary. The Post Office and Civil Service and the Armed Services reported the bill H.R. 6954 with their own amendments. Since H.R. 6954 was introduced with the same recommendations of the President as were, in substance, contained in Title II and III of H.R 1 as reported, and since the bill reported by the Select Committee on Ethics contained parallel provisions on legislative branch disclosure, a bill H.R. 13850 was introduced embodying the structure and basic provisions of H.R. 1 with revised disclosure provisions covering all three branches of the Government. Under the rule, this bill was made in order as an amendment in the nature of a substitute to provide a basis for Floor consideration of H.R. 1. The House considered H.R. 1 on September 20 and September 26, 1978 and the bill passed the House on September 26 by a vote of 368 ayes to 30 nays with one member voting present. The provisions of the House passed bill were substituted for those of a similar Senate bill, S. 555. After a conference, the conference report included substantially the provisions of the House passed bill with additional titles providing for a special prosecutor and a Senate legal counsel. The conference report was approved by the Senate on October 7, 1978 and the House on October 12, 1978. The President approved the bill on October 26, 1978 as Public Law 95–521.

Disclosure of Lobbying

The subcommittee initiated its consideration of the bill, H.R. 1180 and companion measures, regulating lobbying and related activities, with a hearing on April 4, 1977. The bill H.R. 1180 included the provisions of the bill reported by the committee in the 94th Congress, H.R. 15, which passed the House on September 29, 1976. Since these provisions of the bill in the previous Congress were the result of extended hearings and consideration in the committee and on the Floor of the House, the bill H.R. 1180 was selected as the principal bill for consideration in the present Congress. Following the hearings on April 4, 1977, additional hearings were held on April 6, 21, 27, 28 and 29, 1977. Markup sessions on the bill H.R. 1180 were begun on May 23, 1977, and after eighteen days of markup, on July 21, 1977, a revised bill, H.R. 8494 was ordered favorably reported to the full committee.

The bill, as revised by the subcommittee, was therefore the product of careful committee and subcommittee consideration in both the 95th and 94th Congresses on the subject of the disclosure of lobbying activity.

H.R. 8494 would have replaced the 1946 Federal Regulation of Lobbying Act with a comprehensive statute that specified which organizations would have to register and what information they would disclose about their lobbying activities and related expenditures. Only organizations, not individuals, would be required to register and report under the provisions of the bill.

H.R. 8494 was divided into three main portions. The first portion defined what organizations should register and report. The second portion specified what information would be provided in the annual registration and quarterly reports filed by those organizations. The third portion contained provisions relating to registration, record keeping, and reports, and the administrative responsibilities of the General Accounting Office. The Department of Justice would be charged with the duty of seeking compliance with the provisions of the law and with civil and criminal enforcement of the law.

The full committee considered the bill on February 15, 16, 22, 1978 and ordered the bill reported to the House. The bill was considered in the House on April 19, April 20, and April 26, 1978 and passed the House on the latter date by a vote of 259 to 140. The Senate failed to act on the bill prior to adjournment of the Congress.

SOCIAL SERVICES UNDER SOCIAL SECURITY ACT

The bill H.R. 11370 was introduced in accordance with the recommendations of the Department of Health, Education and Welfare to implement agreements entered into between the Federal Government and the States to settle claims for reimbursement for expenditures made by the States prior to October 1, 1975 for social services under the Social Security Act. The bill further provided for the comprehensive settlement of all claims by the States and also against the States by the Federal Government for referral of amounts previously paid in the same period. The services referred to in the bill included day care for children, protective services for neglected or abused children, drug and alcohol abuse services and services for aged, blind or disabled persons. The settlement provided for claims by and against the United States was estimated to be as much as $2.5 billion in disputed claims.

In March of 1978, the subcommittee held hearings on H.R. 10101, H.R. 11370 and related bills. These bills authorized an appropriation of $543 million to reimburse States for expenditures made prior to October 1, 1975 under titles I, IV–A, VI, X, XIV and XVI of the Social Security Act. The bills involve claims by 19 States which sought reimbursement from HEW for social services provided by the States under the Social Security Act prior to October 1, 1975, as mentioned above. HEW declined to pay these claims, and the United States was sued by the States. The Government then entered into settlement agreements with the States, and this legislation authorized the appropriation of the funds to fulfill those agreements.

On March 29, 1978, the subcommittee considered H.R. 11370 and reported the bill favorably to the full committee with amendments on May 2, 1978. The full committee considered this bill and ordered that it be reported to the House. On May 23, 1978, the House passed this measure under a motion to suspend the rules and pass the bill. On May 25, 1978, an identical bill passed the Senate. The measure was approved by the President on June 12, 1978 and became Public Law 95–291.

CONTRACTS CLAIMS AND DISPUTES SETTLEMENT

The bill, H.R. 11002 is a bill which provided for a comprehensive and balanced statutory system for the resolution of contracts disputes. H.R. 11002, the Contract Disputes Act of 1978, was introduced as a revised bill containing the recommendations of the Subcommittee on Administrative Law and Governmental Relations after it had conducted hearings and considered a group of bills providing for procedures for the consideration and settlement of contract disputes. The hearings were held on November 10 and 11, 1978 on the bills, H.R. 664, H.R. 3745, H.R. 4793 and companion measures. After markup sessions on February 1, 2, and 8, the bill H.R. 11002 was ordered reported to the full committee.

H.R. 11002 and the other bills on the subject contained provisions which were intended to implement the general recommendations made in volume 4 of the 1972 report of the Commission on Government Procurement. The Commission urged the establishment of a comprehensive, statutory framework for the settlement of disputes and claims arising out of contracts involving the Federal Government. The Commission also intended that the new legislation improve existing procedures and remedies, by making substantive changes in the existing law concerning the handling and review of contract matters. The overall aim of these reforms and revisions is a more efficient and fair resolution of contract claims and disputes. As has been stated, the bill H.R. 11002 was introduced to implement these recommendations after subcommittee consideration of bills on the subject and would apply to contracts relating to Government procurement, construction, alteration and maintenance of real property, the procurement of services or the disposal of personal property.

The full Committee on the Judiciary approved the bill with amendments and the bill was reported on September 8, 1978. The bill passed the House on September 26 1978. The Senate passed the bill in an amended form on October 12, 1978 and the House agreed to the Senate amendments on October 13, 1978. The bill was approved as Public Law 95-563 on November 1, 1978.

PUBLIC CLAIMS LEGISLATION

Tort claims

The bill, H.R. 9219 was introduced as recommended in an executive communication from the Department of Justice. The bill would amend the Federal Tort Claims Act provisions of title 28, United States Code, to make the remedy against the United States provided therein the exclusive remedy for those suffering injuries or damages due to acts or omissions of Federal employees within the scope of their employment and for claims arising from violations of the Constitution. This would have the effect of making the United States the sole defendant in cases arising under the Constitution of the United States and cases arising out of negligent acts or omissions by federal employees.

The subcommittee held hearings on the bill on February 23, 1978, April 27, 1978, and May 3, 10, 17, 1978 at which testimony was received

from the Honorable Griffin B. Bell, Attorney General of the Uni
States, other witnesses representing the Department of Justice,
Treasury Department, law enforcement organizations, and witne
representing the American Civil Liberties Union and Public Citi

The bill would have provided a remedy against the United St
for "Constitutional torts". These are actions which arise out of vi
tions of the Constitution by Federal employees.

The bill was considered by the subcommittee on July 20, 1978
several amendments were adopted at that time. The bill was t
favorably reported to the full committee with those amendme
The bill was not considered by the full committee.

Losses due to Government action relating to the chemical tris

In June of 1978, the subcommittee conducted two days of heari
on the Senate passed bill, S. 1503, and the corresponding House me
ures. These bills conferred jurisdiction on the Court of Claims to c
sider claims by those in the children's sleepwear industry for loss
curred as a result of United States governmental action. Testim
was received from members of industry, representatives of the r
vant governmental agencies, and consumer organizations.

After the hearings, the subcommittee considered S. 1503 and
vised the bill. The revised text would have conferred jurisdiction
the Court of Claims to make determinations in each case as to whet
or not a claim should be approved. As approved by the subcommit
the bill contained specific guidelines and criteria for the court to
in making its determination. With the subcommittee amendme
S. 1503 was reported favorably to the full committee on August
1978. On October 5, 1978, the bill was ordered reported to the Ho
by the full committee.

The bill was considered by the House upon a motion to suspend
rules and pass the bill on October 10, 1978. On October 12, 1978,
bill passed on a roll call vote of 304 to 90. The bill was the subject
a pocket veto.

EXTENDING THE STATUTE OF LIMITATIONS CONCERNING CERTAIN INDI CLAIMS

On May 17, 1977, the subcommittee recommended favorably the
H.R. 5023 to the full committee. This bill provided for an extens
of the statute of limitations for claims asserted by the United Sta
in behalf of Indians sounding in tort or contracts which accrued pr
to July 18, 1966. The bill was reported to the House on June 1, 1977

On June 6, 1977 an identical Senate bill, S. 1377, failed to pass un
suspension of the rules. In view of the fact that the statute of limi
tions would expire on July 18, 1977, a House joint resolution, H
Res. 539, was passed by the House and Senate and approved on J
11, 1977, as Public Law 95–64.

The bill H.R. 5023 was considered in the House on July 11, 19
and the provisions of the House bill as amended were substituted
the Senate bill S. 1377, which was passed in lieu of the House bill.
ter a conference of the two Houses, the conference report provid
for an extension of the statute of limitations for two and thr

fourths years was approved by both bodies and was enacted as Public Law 95–103 on August 15, 1977.

INDIAN CLAIMS COMMISSION CASES

The bill H.R. 4585, as amended, authorized appropriations for the Indian Claims Comimssion for fiscal year 1978, and amended the Indian Claims Commission Act to include provisions to facilitate the transfer of cases from that Commission to the Court of Claims, and authorized an additional commissioner for the Court of Claims to meet the increased workload incident to those transfers. The bill was recommend to the full committee by the subcommittee with amendments, and was ordered reported by the full committee in that form. The bill passed both Houses and was enacted into law as Public Law 95–69 on July 20, 1977.

AMERICAN VICTIMS OF WARTIME ATOMIC BOMB EXPLOSIONS

The subcommittee considered H.R. 8440, a bill which would have authorized the Secretary of Health, Education, and Welfare to make payments for specialized medical services to United States citizens or permanent residents of the United States who have suffered physical illness or injury directly attributable to atomic bomb explosions at Hiroshima and Nagasaki, Japan.

The subcommittee held two days of hearings conducted in Los Angeles, California and in Washington, D.C. At these hearings the subcommittee heard testimony from numerous American citizens who were victims of the atomic bomb explosions, Dr. Thomas Noguchi, Chief Medical Examiner-Coroner for the County of Los Angeles, as well as many medical experts who have treated radiation related diseases.

The subcommittee favorably reported this bill to the full committee on June 12, 1978. On September 26, 1978, the full committee considered the bill, but no favorable action was taken.

MILITARY CLAIMS SETTLEMENT AUTHORITY

The bill, H.R. 7201, providing for increased claims settlement authority for the Secretaries of the military departments and the Department of Defense, was favorably considered by the subcommittee. The bill would have amended section 2737 of title 10 of the United States Code by increasing the limit for claims settlement under that section from $1000 to $2,500. Section 2737 of title 10 gives authority to the Secretary of a military department or the Department of Defense to settle, for not more than $1,000, claims for personal injury, death, or the loss or damage of property caused by civilian or military personnel incident to (1) the use of a Government vehicle or (2) the use of any other Government property on a Government installation. The authority is available when there is no other statute for the settlement of the claim.

The subcommittee reported the bill to the full committee on September 12, 1978. The bill was favorably reported to the House on October 4, 1978 and passed the House on October 2, 1978.

MILLER ACT PAYMENT AND PERFORMANCE BONDS IN FEDERAL CONSTRUCTION PROJECTS

In the Spring of 1978, the subcommittee held a hearing on H.R
3185, a bill to increase the minimum fixed in the Miller Act from $2,00
to $50,000 for furnishing payment and performance bonds in Federa
construction contracts.

Testimony before the subcommittee indicated that the presen
$2,000 threshold is unrealistically low. The General Service Adminis
tration (GSA) recommended that the threshold be established
$25,000 rather than the $50,000 level proposed in the bill as introduce
in order to maintain a comparable extent of protection for suppliers
labor material as was envisaged when the act was originally drafted i
1935. The subcommittee, on September 12, 1978, adopted the GSA re
ommendation and amended the threshhold amount in the bill to $25
000. The bill was then reported favorably to the full committee wit
that amendment.

On September 26, 1978, the full committee considered this bill an
ordered it reported to the House with the subcommittee amendmen
On October 10, 1978, this bill, as amended, was passed by the Hou
and sent to the Senate. The Senate passed it on October 13, 1978 and
was approved by the President on November 2, 1978. It became Publ
Law 95-585.

NATIONWIDE SERVICE OF SUBPENAS IN SUITS UNDER THE FALSE CLAIMS ACT

In April of 1978, the subcommittee held hearings on the bill H.
12393, a bill to provide for nationwide service of subpenas in all sui
involving the False Claims Act 31 USC 231 et seq (R.S. §§3490-349
5438). The bill was introduced in accordance with recommendatio
by the Department of Justice in an executive communication.

The False Claims Act provides U.S. district court jurisdiction f
the United States to bring a civil action to recover double damages a
one $2,000 forfeiture for each false claim made upon the United Stat
The act itself limits the institution of a false claims suit to the distr
where those who make the false claims against the Government
"found". 31 USC § 232(A). Often a defendant is "found" in a pla
distant from where the incident occurred and where the witnesses
located. Presently, witnesses are subpenaed for false claims pursua
to rule 45(e)(1), Federal Rules of Civil Procedure. This rule lim
the power of the court to issue subpenas only within the confines
the court's judicial district, or to any place outside the district tha
within 100 miles of the place of trial. It is difficult for the Justice
partment to subpena witnesses in these cases. This bill was intend
to alleviate this problem.

On June 12, 1978, the subcommittee favorably reported this bill
the full committee and on July 25, 1978, the full committee orde
it reported to the House. On September 18, 1978, the bill was pas
by the House and sent to the Senate. On October 15, 1978, the bill
passed by the Senate with an amendment which was agreed to by
House on October 15, 1978. The bill was approved by the President
November 2, 1978, and became Public Law 95-582.

CONTRACT SERVICES FOR DRUG DEPENDENT FEDERAL OFFENDERS

The bill H.R. 12290 was introduced as recommended in an executive communication transmitted to the Speaker of the House on April 7, 1978. This bill assures effective implementation of title II of the Narcotic Addict Rehabilitation Act of 1966, as amended, by consolidating the authority for supervisory care for drug dependent persons in a single agency, a law which originated as a bill that was originally considered by the subcommittee. The subcommittee held hearings on this matter and received testimony from representatives from the Bureau of Prisons and the Administrative Office of the United States Courts.

This legislation followed years of experience in administering these statutory provisions for dealing with the problem of drug dependent offenders. In 1966, Congress authorized supervisory drug aftercare for drug dependent offenders following their release to the community after conviction, or after having served a term of incarceration, in title II of the Narcotic Addict Rehabilitation Act of 1966 (18 USC 4255) (NARA).

In 1972, aftercare was extended to all Federal offenders with drug dependence problems by Public Law 92–293. Under these provisions, the services provided to such offenders include vocational guidance, education and training, job placement and skill testing, psychological evaluation, psychotherapy, detoxification, temporary housing, residence in a community center and emergency financial assistance.

Although the Bureau of Prisons was the agency authorized to contract for these drug aftercare services, it was the Division of Probation of the Administrative Office of the United States that had the responsibility for supervision of drug-dependent offenders. The Division of Probation had to depend on the Attorney General to contract for these services. Thus, the agency providing the aftercare service was neither legally nor fiscally responsible to the probation officer who was supervising the offender. This situation frustrated the effective supervision of drug offenders by the probation officers. The amendments in H.R. 12290 met this problem.

The subcommittee, on June 12, 1978, favorably recommended this bill to the full committee with an amendment fixing the authorization levels at $3 million per year for fiscal years 1979, 1980 and 1981.

On September 26, 1979, the full committee considered S. 3336, a Senate-passed bill identical to H.R. 12290, but with higher authorization levels.

The full committee ordered S. 3336 reported to the House with an amendment to reduce the authorizations to $3.5 million in fiscal year 1979, $3.645 million in fiscal year 1980, and $3.7 million in fiscal year 1981. S. 3336 was passed by the House on October 10, 1978 and the Senate agreed to the House amendments on October 13, 1978. The President approved this bill on October 27, 1978 as Public Law 95–537.

DIRECT ACTIONS AGAINST INSURERS INVOLVING CLAIMS AGAINST PERSONS ENTITLED TO DIPLOMATIC IMMUNITY

On August 1, 1977, the subcommittee held a hearing on the bill H.R. 7679, which would amend title 28, United States Code, to provide for direct actions against insurers of persons entitled to diplomatic immunity. Testimony was received from Members of Congress and representatives of the Justice and State Departments, as well as insurance associations. This bill was introduced to complement the bill H.R. 7819, reported by the International Relations Committee and passed by the House, which amended the law concerning diplomatic immunity and required that diplomatic personnel carry liability insurance.

In a similar manner to the Federal Tort Claims Act provisions, the direct actions provided for in the bill would be tried without a jury. The actions would be subject to all lawful conditions of the contract of insurance, when the conditions are such that their violation substantially prejudice the insurer's ability to defend the action. Direct actions brought against insurers as provided in new section 1364 of title 28 would be subject to the law of the place of occurrence. The actions would not be subject to the defense that the insured is immune from suit or that the insured is an indispensable party.

On March 29, 1978, the subcommittee considered the bill and, with amendments, it was favorably recommended to the full committee. On July 11, 1978, the full committee ordered the bill reported to the House. A request was made to have this bill placed on the suspension calendar. However, before that could be accomplished, the House-passed bill, H.R. 7819, passed the Senate with an additional amendment substantially including the contents of H.R. 7679. That bill was approved as Public Law 95–393. Having agreed to this Senate amendment, the House gave no further consideration to the Judiciary Committee bill H.R. 7679.

CONGRESSIONAL TAXATION

The bill, H.R. 6893 added a new section 113 to title 4 of the United States Code concerning the incidence of State income tax laws on Members of Congress and providing that such taxes may not be levied against such a Member as a "resident" or "domiciliary" of a State in which he maintains a place of abode away from his home State for the purpose of attending sessions of Congress nor in such an instance shall his congressional salary be treated "as income for service performed within or from sources within such State or political subdivision thereof". The effect of the bill is to provide that no State or its political subdivision in which a Member of Congress maintains a place of abode for purposes of attending sessions of Congress may for State or subdivision income tax purposes treat the Member as a resident or domiciliary or treat any income paid by the United States as income for services performed within or from sources within that State or political subdivision thereof unless such Member represents such State or a district of such State. The District of Columbia is included since the term "State" is defined as including the District of Columbia.

The bill was approved by the subcommittee on May 17, 1977 and ordered reported by the full committee on May 24, 1977. The bill passed both Houses of Congress and was approved as Public Law 95–67 on July 19, 1977.

ADMINSTRATIVE LAW

Administrative Conference of the United States

In connection with its consideration of legislation relating to administrative law and governmental relations and particularly with reference to the Administrative Procedure Act (5 USC 551-559), the Subcommittee frequently has to call upon the resources and expertise of the Administrative Conference and its staff. With the consideration of the bill, H.R. 7662, authorizing appropriations for the Conference, the subcommittee had the opportunity of reviewing the activities, needs, and functioning of the Conference. Thus the subcommittee exercised its oversight jurisdiction as to current operation in addition to determining what the projected needs for funding would be in the light of the expanding functions of the Conference and its staff as a full-time permanent independent agency whose responsibility is to improve the administrative machinery of government. In the consideration of the bill, the testimony demonstrated that the responsibilities and work of the Conference had increased and that, in addition, specialized tasks such as were mandated by the Magnuson-Moss Act and the Government in the Sunshine Act have placed an additional burden upon its limited staff.

The markup of H.R. 7662 was held on September 27, 1977. As introduced, the bill called for an authorization of $1.4 million in each of the three fiscal years (FY-79-FY81). The subcommittee viewed those amounts as inadequate and an amendment to increase the proposed authorization to $1.7 (fiscal year 1979), $2.0 (fiscal year 1980); and $2.3 (fiscal year 1981) was adopted. The bill was reported to the House in the form recommended by the subcommittee. The bill passed the House, and then its provisions were substituted for those of S. 1792. The Senate agreed to the amendments and the bill S. 1792 was enacted into law on June 13, 1978 as Public Law 95-293.

PUBLIC PARTICIPATION IN FEDERAL AGENCY PROCEEDINGS

On March 30 and 31, 1977 and on April 1, 27, and 28, 1977, hearings were held on the bill H.R. 3361 providing for awards by federal agencies for reasonable attorneys fees and other expenses for public participation in agency proceedings. Two new sections would be added to the Administrative Procedure Act provisions of title 5, United States Code, to authorize awards of reasonable attorneys' fees, fees and costs of experts, and other costs of participation to facilitate public participation in agency proceedings, and to authorize courts to allow similar fees and litigation costs incurred in judicial review of agency proceedings. The new sections would provide that awards could be made when participation in the court action served an important public purpose. After four days of markup, on May 6, 1977 the bill was ordered reported to the full committee with amendments. The bill was the subject of two days of full committee consideration and on May 12, 1977 the bill was recommitted to the subcommittee.

On May 17, 1977 the subcommittee approved several amendments to the bill, H.R. 3361, and on July 27, 1977 the final markup was held on the bill and a clean bill, H.R. 8798, was ordered reported to the full committee.

OVERSIGHT ON IMPLEMENTATION OF THE GOVERNMENT IN THE SUNSHINE ACT

In the 94th Congress, after a sequential referral to the Committee on the Judiciary, the subcommittee considered the bill H.R. 11656, and held hearings on the proposal on March 24 and 25, 1976. The bill added new section 552b to the Administrative Procedures Act provisions of chapter 5 of title 5 of the United States Code to provide for open meetings by agencies of government. The bill was recommended to the full committee with amendments and reported to the House where the provisions of the House passed bill were substituted for the Senate bill S. 5, which was subsequently enacted into law as Public Law 94-409.

In the first session of the 95th Congress, on February 23, 1977, the subcommittee conducted an oversight hearing on implementation of the Act. At that time, the affected departments and agencies were required to promulgate implementing regulations. The subcommittee received testimony from representatives of the Administrative Conference of the United States and from representative agencies concerning the implementation of the Act and, in particular, the progress and status of implementing regulations. The Conference advised the subcommittee that it had met with representatives of 36 agencies at a series of meetings concerning implementation of the Act. It acted as a clearing house for information on procedure under the Sunshine Act and its application to agency proceedings. In this work, the Administrative Conference was assisted by the Office of Management and Budget and the Department of Justice. The latter department through its Office of Legal Counsel prepared a legislative history of the Act which was distributed by the Administrative Conference to the participating agencies.

In addition, draft regulations formulated by the U.S. International Trade Commission and a staff memorandum on effect of the Act on Federal Trade Commission procedures was similarly circulated for guidance of other agencies. At the same oversight hearing testimony was received from the Securities and Exchange Commission concerning its compliance with the Act and describing the regulation promulgated by that Commission to implement the Act. The Federal Trade Commission submitted for inclusion in the record of the hearing the final rules of the Commission implementing the Act.

SHIPMENT OF LOTTERY EQUIPMENT TO FOREIGN COUNTRIES

In the Spring of 1978, several bills were introduced that would amend the present law to allow for the shipment of lottery tickets and materials to a country whose laws authorize such a lottery.

Current law allows for the transportation and shipment of lottery tickets and other material used in connection with lotteries to States who conduct lotteries and have enacted laws authorizing such lotteries. However, shipments originating in the United States to a foreign country of material relating to a lottery conducted by that foreign country are illegal under present law.[1]

The subcommittee held a hearing on H.R. 11580 and companion measures on June 8, 1978. The testimony at the hearing indicated that United States companies are presently barred from selling lottery-related and exporting materials to foreign countries which authorize lotteries. These bills would have provided for amendment of existing law to permit such exports from the United States.

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[1] See generally 18 USC 1307 and 18 USC 1953.

n June 12, 1978, the bill was considered by the subcommittee and
orably reported to the full committee. On September 26, 1978, the
committee ordered it reported to the House. On October 2, 1978,
House passed the bill, and it was adopted by the Senate on Octo-
13, 1978. The bill was the subject of a pocket veto.

INTERSTATE COMPACTS

ne subcommittee's jurisdiction includes legislation dealing with
rstate compacts. In the 95th Congress, the subcommittee approved
the full committee ordered reported the bill, H.R. 3662, granting
gressional consent to the compact entered into between the States
Iississippi and Louisiana. This is a compact to establish an inter-
authority in connection with the construction of a bridge con-
ng the two States near Natchez, Mississippi, and Vidalia, Louisi-
The bill passed both Houses and was approved as Public Law
5 of the 95th Congress on June 1, 1977.

ne subcommittee favorably recommended another bill providing
congressional consent to an interstate compact when August 15,
, it reported the bill H.R. 13692, on the Historic Chattahoochee
pact to the full committee. That compact between Alabama and
gia provided for a joint commission to promote the history of
Chattahoochee Valley and to develop historical sites and exhibits
operation with local, state and federal agencies. The bill passed
Houses and was enacted into law on October 14, 1978 as Public
95–462.

addition to the approval of the above compacts, the Subcom-
e approved amendments to two existing compacts. The bill H.R.
provided for congressional consent to an amendment to the
ne River Compact between Louisiana and Texas which removed
itation to enable the authorities of the States to deal with prob-
of pollution abatement and saline introsion with reference to
sources subject to compact jurisdiction. The bill passed both
es and was approved as Public Law 95–71 on July 23, 1977.

amendment to the New Hampshire–Vermont Interstate School
pact, providing for flexibility in methods of allocations of state
nd allocation of tax burdens was approved by both States and
onsent of Congress for the amendment was provided for in the
. 2403. The full committee reported it to the House. It passed
ouse and Senate and was enacted into law as Public Law 95–536,
tober 27, 1978.

FEDERAL INCORPORATION OF NONPROFIT CORPORATIONS

apitol Historical Society

bill, H.R. 11035, providing for the federal incorporation of
.S. Capitol Historical Society was favorably reported to the full
ittee with an amendment requiring the Society to maintain its
usly existing status as a corporation incorporated under the
f the District of Columbia. This was required under the stand-
approved by the subcommittee at the beginning of the 95th
ess for the consideration of such incorporation bills. The full
ittee ordered the bill favorably reported to the House. The bill

passed both Houses and was enacted as Public Law 95-493 on October 20, 1978.

BIG BROTHERS-BIG SISTERS OF AMERICA

The subcommittee approved the amendment of the charter of the Big Brothers of America to permit a merger between that corporation and the Big Sisters of America, as provided for in H.R. 7249. The merger permitted the single organization to serve both boys and girls and avoid duplicating costs and effort by two separate organizations that had the same essential function, that of aiding children. On the floor of the House, an identical Senate-passed bill, S. 2208, was substituted for the House bill and passed in its stead. It was enacted into law as Public Law 95-167 on November 11, 1977.

VETERANS ORGANIZATIONS CHARTER AMENDMENTS

The laws incorporating both the American Legion and the AMVETS were amended during the 95th Congress. The subcommittee favorably considered the bill H.R. 1952 which amended the charter of the AMVETS to provide that American veterans of service after September 15, 1940, and before May 8, 1975, are to be eligible for membership. The bill was approved as Public Law 95-98.

The bill S. 2424 broadened the eligibility periods for membership in the American Legion and provided that those who served in World War II, the Korean Conflict and during the Vietnam War Era would also be eligible for membership. The bill was enacted as Public Law 95-346 on August 6, 1978.

BOY SCOUTS OF AMERICA

The bill H.R. 11956 concerned printing of the annual report of the Boy Scouts of America. It was approved by the subcommittee, the full committee, and passed the House on August 7, 1978.

AMENDMENT OF THE LAW INCORPORATING THE U.S. OLYMPIC COMMITTEE

Amateur Sports Act of 1978

In June, 1978, the Subcommittee conducted two days of hearings on a Senate-passed bill, the "Amateur Sports Act of 1978" (S. 2727) and corresponding House bills. These bills proposed amendments to the Federal charter of incorporation of the United States Olympic Committee and were based, in part, on the recommendations of the President's Commission on Olympic Sports. The bills proposed amendments to USOC Charter to bring about important structural changes in amateur sports, thereby eliminating the disorganization and factional disputes which plague amateur athletics in our Country.

As ultimately enacted, the bill significantly expanded the purposes and powers of the U.S. Olympic Committee which could assume the role of a principal coordinator of amateur sports in the United States with respect to international competition. The USOC is granted "exclusive use" protection with respect to the Olympic symbol, emblem, and name. The bill also reflects recent changes made in the USOC Constitution with regard to an athlete's right to compete in international events. Importantly, the USOC is granted the power to recognize which amateur sports organization is to be the "national governing body" (NGB) for each Olympic and Pan American Games sport. These NGB's establish policy and sanction international competitions in their particular sport.

As introduced, the bills provided for a $30 million authorization for appropriations for grants to the USOC to implement the reorganization and for other purposes. $18 million of this total was earmarked for "program development", which was contemplated to include payments to the national governing bodies and other amateur sports groups to enable them to reorganize and develop grass-roots sports programs. The remaining $12 million was to go to sports medicine and the site selection, administration and operation of permanent training centers. $30 million would be a "one-time" authorization for appropriations to be used to facilitate and encourage the reorganization of amateur sports called for in the Charter amendments.

After the hearings, extended subcommittee consideration resulted in the favorable recommendation of S. 2727, with numerous Subcommittee amendments, including one which struck the provision authorizing the $30 million grant from the bill. The bill was reported to the full committee on August 16, 1978 and after consideration by the full committee was ordered reported to the House on September 21, 1978, with the authorization for grants of $30 million.

On September 26, 1978, by a vote of 244 to 158, S. 2727 failed to obtain the required two-thirds vote and accordingly did not pass under a motion to suspend the rules.

Thereafter, a rule was obtained and the bill was considered by the House for general debate on October 11, 1978, and for amendment under the five-minute rule in the early morning hours of October 14, 1978. During the consideration of the bill under the five-minute rule, the $30 million authorization was again deleted and the bill was passed by a voice vote. The Senate accepted the House amendments and the bill was therefore sent to the President in the form it passed the House.[1] The bill was signed on November 8, 1978, as Public Law

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[1] An amendment authorizing the appropriation of $16 million for grants to the USOC was added to H. J. Res. 1139 by the Senate and it was agreed to by the House on October 15, 1978. This measure was subsequently signed by the President on October 18, 1978.

SUMMARY OF ACTIVITIES OF THE SUBCOMMITTEE ON COURTS, CIVIL LIBERTIES AND THE ADMINISTRATION OF JUSTICE

ROBERT W. KASTENMEIER (Wisconsin), ***Chairman***

GEORGE E. DANIELSON, California TOM RAILSBACK, Illinois
ROBERT F. DRINAN, Massachusetts M. CALDWELL BUTLER, Virginia
JIM SANTINI, Nevada
ALLEN E. ERTEL, Pennsylvania

Tabulation of bills referred to the Subcommittee and disposition [1]

Public bills and resolutions:	
Bills referred to subcommittee	179
Bills on which hearings were held	49
Bills reportd favorably to the full committee	19
Bills pending in Full Committee	[2] 1
Bills referred to another subcommittee of judiciary	0
Bills pending in subcommittee	159
Bills reported to the House	[3] 20
Bills passed House	[4] 20
Bills pending in Senate	3
Bills which became law	16
Private Patent bills:	
Bills referred to subcommittee	3
Hearings held	0
Reported favorably to full committee	0
Bills pending in subcommittee	3
Bills passed House	0
Bills pending in Senate	0
Bills which became law	0

[1] This tabulation does not include subsequent introductions of the same or very similar bills.

[2] This figure represents S. 957, the Minor Disputes Resolution Act of 1978, which was reported favorably to the full committee. However, it was not favorably acted upon due to the fact that it was reported to the House by the Committee on Interstate and Foreign Commerce in the identical form in which it was approved by the subcommittee.

[3] This figure includes H.R. 12005, the authorization of expenditures for the Department of Justice, which, while processed only at the full committee level, contains the language of H.R. 6305, providing for the construction of a Metropolitan Correctional Center in Los Angeles. H.R. 6305 is included among the bills on which public hearings were held.

[4] This figure includes H.R. 7308, the Foreign Intelligence Surveillance Act of 1978, which was tabled by the subcommittee following hearings, but which was reported to the House by the Permanent Select Committee on Intelligence.

The subcommittee has oversight of the Legal Services Corporation, courts, civil liberties, privacy, corrections, patents, copyrights, trademarks, legal services for the poor, United States Attorneys and United States Marshals.

During the 95th Congress a total of 17 different bills, not including identical or very similar measures, were referred to the subcommittee. Hearings, markups, and business meetings regarding the legislative and oversight responsibilities assigned to the subcommittee consumed a total of 78 business days. Highlights of activities during the 95th Congress are as follows.

LEGAL SERVICES CORPORATION

The subcommittee has oversight of the Legal Services Corporation, a private, non-profit District of Columbia corporation, which was created by Congress in 1974 through the enactment of the Legal Services Corporation Act of 1974, Public Law 93–355. The main purpose of the Corporation is to serve as an independent, non-political conduit for federal funds to local programs which provide civil legal aid to those persons unable to afford legal assistance. The Corporation, which monitors local programs, offers technical assistance to existing programs and aids in the development and planning of new and expanded programs.

On February 18, 1977, the subcommittee held a one-day hearing on the functions of the Corporation. Since the three-year authorization for appropriations for the Corporation would expire at the end of fiscal year 1977, the subcommittee held two days of hearing (February 22 and 23) on amendments to the 1974 Act, including additional authorization for appropriations. These proposals were incorporated in H.R. 3719, the subject of the hearings. (Serial No. 4) The subcommittee held six days of public markup sessions on H.R. 3719, and on March 17, 1977, unanimously ordered that a clean bill be reported favorably to the full committee. That bill, H.R. 5528 (introduced on March 23 with the co-sponsorship of all subcommittee members), was the focus of committee markup, and was reported out favorably on May 3, 1977, in the form of a clean bill H.R. 6666.

The House passed the bill on June 27, 1977; the Senate passed H.R. 6666, as amended, on October 12, 1977, after debate on S. 1303, the companion bill to H.R. 6666. Conference was had, and the conference report (House Report No. 95–825) was agreed to by the House on December 7, 1977, and by the Senate on December 15, 1977. The President signed the measure into law on December 28 and it became Public Law 95–222, the "Legal Services Corporation Act Amendments of 1977."

Salient documents

House Reports: No. 95–310 (Committee on the Judiciary) and No. 95–825 (Committee of Conference).

Senate Report: No. 95–172 (accompanying S. 1303) (Committee on Human Resources).

Congressional Record, vol. 123 (1977):

June 9 and 27, considered and passed House.

October 10, 11, and 12, considered Senate companion bill, S. 1303, and passed Senate as H.R. 6666, as amended.

December 7, House agreed to conference report.

December 15, Senate agreed to conference report.

The main purpose of the "Legal Services Corporation Act Amendments of 1977" was to extend the authorization for appropriations for the Legal Services Corporation for an additional three fiscal years, at the level of $205 million for fiscal year 1978, and at "such sums as may be necessary" for fiscal years 1979 and 1980. Some of the other major provisions are:

Requires that at least two members of the eleven-person Board of the Corporation be "eligible clients";

Subjects the Corporation to the Government in the Sunshine Act (5 U.S.C. § 552(b));

Makes "staff attorneys" of local programs subject to the same provisions of the Hatch Act as are State and local employees who are covered by 5 U.S.C., Chapter 15;

Removes restrictions on the use of Corporation funds in the representation of juveniles; and

Clarifies the legislative and administrative advocacy which can be provided by local programs.

During the second session of the 95th Congress, an oversight hearing was held on the Legal Services Corporation's policies and practices concerning the expansion of existing programs and the development of new ones. The specific focus of the May 22nd hearing was on the method of development of a new program in the Lynchburg, Virginia area. Testimony was given by representatives of the Corporation and by interested persons residing in the Lynchburg area.

As a result of the hearing and subsequent correspondence from the Chairman and ranking minority member of the subcommittee, the Corporation instituted new, improved procedures for notifying interested parties, including existing local programs, of the possibility of applying for funds for the coverage of new areas and of the opportunity for comment and input into the development process.

The subcommittee continued to review the Corporation's activities
hrough attendance at Board meetings and the monitoring of regu-
ations.

CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS

Five days of hearings (April 29, May 11, 13, 18 and 23) (Serial
o. 28) were held by the subcommittee on H.R. 2439 and H.R. 5791,
wo legislative proposals to clearly authorize the Attorney General of
he United States to initiate or intervene in civil actions to protect
nstitutionalized persons against state action which violates their fed-
al rights. Among the persons covered were juveniles, prisoners,
entally ill or retarded persons, chronically ill or handicapped per-
ns, and nursing home residents. The necessity for such legislation
as increased when federal courts denied standing to the United
ates Attorney General as a plaintiff in two cases, absent specific
atutory authorization. The cases are: *United States* v. *Solomon*, 563
2d 1121 (4th Cir., Oct. 12, 1977), aff'g 419 F. Supp. 358 (D. Md.
76), and *United States* v. *Mattson*, Civ. No. 74–138 BU (D.C. Mon't.,
published order of Judge Smith, Sept. 29, 1976, dismissing the case
sed on *United States* v. *Solomon*).

The subcommittee, having received strong support for legislation
m the Justice Department and several national organizations, held
e days of markup on H.R. 2439 and on September 27, unanimously
ered that a clean bill be reported. That bill, H.R. 9400, was intro-
ed on Sept. 30, 1977, and was reported favorably, as amended (H.
pt. 95–1058) by the committee on April 18, 1978, after three days
markup (February 7 and 8th, and March 8th).

he legislation with amendments was passed 256–69 by the House
July 28, after three days of consideration (May 1st and 25th, July
h).

The Senate was unable to schedule the legislation for considerat
since a time agreement was opposed by Senator Robert Morgan (D-
C.). A companion Senate bill, S. 1393, had been reported from
Senate Committee on the Judiciary on July 31, 1978 (S. Rpt. 95–105

Corrections

In addition to the Civil Rights of Institutionalized Persons le
lation discussed above the subcommittee exercised its jurisdiction
the area of corrections in several specific instances.

THE FEMALE OFFENDER AND CO-CORRECTIONS

Staff attended a Bureau of Prisons conference in Lexington, K
tucky, on March 28–30, 1978, on the subject of the Female Offen
and Co-corrections. The seminar which was primarily attended
staff from the Bureau of Prisons Central and Regional Offices,
field programs, including several Wardens, also included represen
tives of the Department of Justice (including Assistant Attorney G
eral Patricia Wald), the Office of Management and Budget, the G
eral Accounting Office, and an expert in the area of co-correctio
Sister Esther Heffernan. During the conference, the Federal Cor
tional Institution in Lexington, which is co-correctional, was
spected, including interviews with staff and inmates and attenda
at an inmate council meeting. Based on the visit and conference, a
liminary conclusion was reached that co-corrections is a workable
proach to incarceration and has several advantages including the
duction of institutional violence. The problems and needs of wo
were also highlighted by the conference, particularly in the area
the need for increased family contact and community alternatives
incarcerated mothers.

As a result of the conference, the Director of the Bureau of Pris
designated a Task Force on the Female Offender to explore the iss
raised by the conference. In addition, the General Accounting O
commenced a study of the Female Offender. Staff has had input i
their project.

BUREAU OF PRISONS CONSTRUCTION AND CLOSURE OF CORRECTIONA INSTITUTIONS

The subcommittee continued its interest in the plans and poli
of the Federal Bureau of Prisons regarding institution maintena
construction and closure. At the direction of the subcommittee, s
inspected several Bureau institutions including those at Atla
Georgia; Butner, North Carolina; Petersburg, Virginia; Memp
Tennessee and McNeil Island, Washington. As a result of the insp
tion of the McNeil Island Penitentiary, Chairman Kastenmeier
fered an amendment to the Department of Justic Appropriation
thorization Act for Fiscal Year 1979 which requires the Attor
General to develop a plan to assure the closure of the penitenti
by January 1, 1982. The report on this Act (H.R. 95–1148) state
page 5, "It is the view of the committee that this penitentiary, b
in 1865, is entirely unsuitable for the housing of Federal priso
and must be closed no later than January 1, 1982."

The Department of Justice Appropriation Authorization Act of 1979 also contains two amendments, offered in full committee on the issue of Bureau of Prisons institution use and construction. The Act authorizes $2,600,000 for the construction of a Metropolitan Correction Center at Los Angeles, California. This amendment, offered by Mr. Danielson, was offered in committee following two days of hearings by the subcommitte (Bureau of Prisons Pretrial Detention Practices). Secondly, the Act contains an amendment offered by Chairman Kastenmeier which requires the AG to consult with the Secretary of Defense in order to develop a plan to insure that such suitable correctional facilities as the Department of Defense operates, which are not in active use, shall be made available for operation by the Department of Justice for the confinement of United States prisoners.

The subcommittee has long been concerned that the Department of Defense correctional facilities are remaining empty, while Bureau of Prisons facilities are grossly overcrowded. This provision in the new law will require the two agencies to work together to insure that overcrowding is relieved and no correctional space is wasted. The Chairman of the subcommittee has directed the staff to closely monitor the enforcement of this provision.

Finally, on October 27, 1978, the subcommittee conducted a field hearing in Madison, Wisconsin, on problems associated with placement of offenders under the Youth Corrections Act and the Juvenile Delinquency Prevention Act.

FEDERAL PRISON INDUSTRIES

Due to the staff inspection of the several institutions noted above, the chairman of the subcommittee became concerned that the Federal Prison Industries system is not entirely meeting its mandate to provide meaningful employment to all physically fit inmates. Consequently, the chairman offered an amendment to the Act which requires the Attorney General to report to Congress on the status of the FPI and to make recommendation for the improvement of this system.

COURTS

During the 95th Congress the subcommittee expended considerable time and resources in the area of court reform and access to justice.

1. Hearings on the State of the judiciary and access to justice

Several months after the start of this Congress the subcommittee held seven days of oversight hearings on the State of the Judiciary and Access to Justice. See Serial Number 19. Statements were received from representatives of the three branches of government, the state courts, the practicing bar, the public interest law community, and academia. The testimony confirmed the views of those who argue that the Federal judicial system has in the past served admirably and effectively to meet its constitutional and statutory mandates. At present, however, it is suffering from a crisis of court congestion. The overload not only threatens the welfare of the entire Federal judicial structure, but has insidious effects on litigants, especially those individuals who rely heavily on the Federal courts to vindicate their human rights. The

crisis of overload additionally threatens the rule of law and t
is a menace to the national welfare itself.

The oversight hearings also produced evidence that increased c
of litigation coupled with delay have deleterious effects on the res
tion of minor disputes in the existing court system. The crisis of spi
ing costs impacts most heavily on those who can least afford to use
system: the poor and increasingly, the middle class.

The subcommittee's hearings showed that the Federal judiciary
finite resource and should be treated as such. As in any situation
volving the allocation of a scarce commodity, four types of respo
are available: expansion, substitution, conservation, and rationing.

The 95th Congress, through another subcommittee of this com
tee acted to expand the Federal Judiciary by voting to create
proximately 150 new Federal judgeships. This Congress, however,
ognized that the Federal Judiciary cannot be expanded indete
nately without imperiling its high quality, and acted with restrain
creating the new judgeships.

This subcommittee agreed with that approach and attempte
formulate complementary solutions to the same problem: end
court overload.

2. Diversity of citizenship jurisdiction

During the State of the Judiciary hearings, several respected
nesses suggested that the subcommittee deal with the issue of th
versity of citizenship jurisdiction of the federal courts. The sub
mittee agreed and in September and October of 1977, it held five
of legislative hearings on the important subject of magistrates ref
See Serial Number 21.

After the hearings the members of the subcommittee unanim
voted to draft their own bill to use as a markup vehicle. It wa
termined that the legislative proposal should abolish diversity of
zenship jurisdiction in its entirety, retain alienage jurisdiction an
terpleader, abolish the amount in-controversy requirement in fe
question cases, and add conforming amendments. In brief, this le
tion H.R. 9622, created a State forum for State law questions a
Federal forum for issues of Federal law or rights. It essentiall
tions access to the Federal courts by eliminately overlapping jur
tion between the State and Federal courts.

On October 20, 1978, the full committee considered H.R. 96
amended by the subcommittee, and after general debate, ordere
bill favorably by a rollcall vote of 28–2. No amendments were o
by the committee. See Rept. No. 95–893.

On February 28, 1978, the House passed the bill by a vote of
133 on the suspension calendar.

H.R. 9622 was referred to the Senate Judiciary Subcommit
Improvements in Judicial Machinery where, after three days of
ings, it languished for six months until it was called up before th
Senate Judiciary Committee on September 20, 1978. The bill
companion measure—the Department of Justice's proposal to c
diversity by barring in-state plaintiffs from suing in the F
court of the home State (S. 2094)—were killed by an extreme
tory tactic by Senater Wm. Scott, who conducted a one-man fili
in the full Senate Judiciary Committee.

On October 4, 1978, the House bill was added as an amendment to S. 1613 (the Magistrates Act of 1978), and passed by the House. A conference was requested and on October 7, 1978, the Senate agreed to confer.

The House and Senate conferees met on two occasions and were not able to reconcile their differences. A compromise proposed by Senator James Abourezk—essentially the Department of Justice proposal—narrowly failed acceptance by the Senate conferees by 4 to 4 vote. As a consequence both the diversity and magistrates reform measures died in conference.

3. Magistrates reform

The subcommittee also held extensive hearings on the role of magistrates in the Federal courts and the need to increase and formalize the jurisdiction of these judicial officers. The subcommittee inquired with great care into any possible constitutional objections to expansion of magistrate civil and criminal case dispositive jurisdiction. Staff studied and wrote a report on the use of magistrates in the United States District Courts for the Northern District of California, for the District of Oregon, and for the Western District of Washington, and the effect of proposed legislation on these districts.

The subcommittee conducted six days of markup (November 3, 1978; January 24 and 26, 1978; and February 1, 2, and 9, 1978) during which the Senate-passed magistrates bill was substantially amended. See Senate Report No. 95–344.

Nevertheless, the purpose of the legislation remained the same—to provide case-dispositive jurisdiction for magistrates in civil cases where the parties to the litigation consent to the exercise of such power by the magistrate; to improve the selection procedures for magistrates; and to provide for an expansion of the present power of magistrates to dispose of certain less serious criminal cases by including all Federal misdemeanors within that jurisdiction. In short, with the consent of the parties, the magistrate could be substituted for the Article III district judge.

On February 9, 1978, the subcommittee approved S. 1613 without objection by voice vote, with one Member voting present.

On June 6, 1978, the full committee considered S. 1613, as amended by the subcommittee, and after general debate, ordered the bill reported favorably by a roll call vote vote of 23–7. See Report No. 95–1364.

On October 4, 1978, the Magistrates Act of 1978 passed the full House by a vote of 323 to 49.

A conference was requested with the Senate, accepted (on October 7), and after two days of conference without resoltuion of the diversity issue, the conferees voted to adjourn. Thus, as stated above in the discussion of diversity, this legislation died in conference.

4. Federal District Court organization

On June 2, 1978, the subcommittee held a 1-day hearing on 13 statutory proposals which affect district court organization. See Serial Number 45.

To promote efficient and equal consideration of the pending proposals, an omnibus bill (H.R. 12869) had been introduced prior to the

hearing and was on the table at that time. In addition, the witnesse
were asked to address themselves to two bills (H.R. 3972 and H.F
6465) to create new district courts.

Statements and testimony were received from the U.S. Departmen
of Justice and the Administrative Office of the U.S. Courts. Writte
statements also were received from Honorable Allen E. Ertel, Honor
able Glenn M. Anderson, Honorable Jerry M. Patterson, Honorabl
Charles E. Wiggins, Honorable Phil Sharp, Honorable Romano L
Mazzoli (with a further statement of Honorable H. David Hermans
dofer), Honorable Bruce Caputo, Honorable Richard Lottinger, Hon
orable Robert S. Walker, Honorable John P. Murtha, Honorable Jo
D. Waggonner, Jr. (with a statement of Honorable Tom Staff), Hon
orable Ned Pattison (with a statement from Honorable James T
Foley), Honorable John W. Wydler, Honorable Don Fuqua, Honor
able Adlai E. Stevenson, Honorable Charles H. Percy, Honorabl
Robert McClory, Honorable Tom Railsback, Collins T. Fitzpatrick
and Honorable Charles Wilson.

Shortly after the hearing,a new omnibus bill (H.R. 13331) was in
troduced. The criteria for inclusion in this bill was whether there wa
any controversy or opposition to the specific proposal, or whethe
there had been a request for delay to formulate a position. Only non
controversial proposals, with no opposition or request for delay, wer
included in H.R. 13331. All other pending bills were placed in a stud
category. The subcommittee encouraged the executive and judicia
branches to take positions on these remaining bills. If meritoriou
comments were received, even if there was some opposition, the sub
committee intended to move forward with a second bill as soon a
possible.

On July 17, 1978, the Subcommittee on Courts, Civil Liberties, and
the Administration of Justice unanimously approved H.R. 13331. N
amendments were offered.

On August 8, 1978, the full committee considered H.R. 13331, and
after general debate, ordered the bill reported, with one technica
amendment. See House Report No. 95–1554.

On September 12, 1978, under suspension of the rules, H.R. 1333
passed the full House. The bill was then laid on the table and essen-
tially the same bill (S. 3375, as amended) was passed in lieu thereof
On October 2, 1978, the President signed S. 3375 into law (Public Law
95–408).

On September 21, 1978, the subcommittee, as promised, reported a
follow-up bill (H.R. 14145), to the full committee. On October 4
1978, the committee ordered the bill favorably reported. See House
Report No. 95–1763. On October 12, 1978, the bill passed the House by
unanimous consent. On October 14, 1978, the Senate Judiciary Com-
mittee discharged itself from further consideration and on that same
date, H.R. 14145 passed the Senate. It was signed by the President on
November 2, 1978 (Public Law 95–573).

5. Judicial housekeeping matters

The subcommittee considered a number of measures designed to
conserve judicial resources. On May 4, 1978, the subcommittee held a
1-day hearing on pending legislation to improve the conditions of jury
and witness service in the Federal judicial system, to increase mar-

shals fees and to authorize payment of transportation expenses for persons released from custody pending their appearance to face charges in another court, to increase the transfer powers of Federal courts, and to modify a judicial retirement provision.

A. *Federal Jury Improvements.*—To promote efficient consideration of pending bill and to facilitate consistent legislative draftsmanship, an omnibus bill (H.R. 12389) was drafted from three pending legislative proposals. Shortly thereafter, on May 27, 1978, three similar bills (S. 2072, S. 2074, and S. 2075), as amended, unanimously passed the Senate. In brief, the omnibus bill provided for improved conditions of service for jurors and prospective jurors in the Federal judicial system. Specifically, the bill eliminated the blanket mileage excuse for potential jurors and allowed the excuse to be handled by the district judge on a case-by-case basis upon a showing of undue hardship or extreme inconvenience. It also clarified an existing ambiguity about which individuals convicted of crimes may be qualified to serve on a jury. Moreover, the bill increased jury fees and subsistence allowances. Lastly, it provided for monetary and injunctive relief, as well as a civil penalty, in the event of a discharge or threatened discharge due to an employee's jury service or summons to serve.

On July 26, 1978, the subcommittee unanimously approved S. 2075, as amended.

On September 26, 1978, the full committee unanimously approved S. 2075 by voice vote. One amendment (by Mr. Butler)—to reduce the civil penalty provision in section 1875 from $10,000—was adopted. See Report No. 95-1652.

On October 12, 1978, the full House passed S. 2075. On October 13, 1978, the Senate accepted the House amendment, and the bill was signed into law on November 2, 1978 (Public Law 95-572).

B. *Witness Fees.*—The subcommittee marked up a Senate passed bill which revised fees and travel and subsistence allowances established in 28 U.S.C. 1821. On July 26, 1978, the subcommittee unanimously approved (S. 2049), as amended. A technical amendment was offered by Mr. Kastenmeier striking certain language deemed to be surplusage. A second amendment was offered by Mr. Kastenmeier to allow staff and the Legislative Counsel's Office to conform the language of S. 2049 to the language of S. 2075 (the Jury System Improvements Act of 1978) which was reported by the subcommittee on that same day.

On September 26, 1978, the committee unanimously approved S. 2049 by voice vote.

On October 12, 1978, the House passed the bill, as amended. On October 13, 1978, the Senate agreed to the House amendment and on October 27, 1978, the President signed the bill into public law (Public Law 95-535).

C. *Marshals Transportation Expenses and Fees.*—The subcommittee's efforts to improve the functioning of the U.S. Marshals Service also bore fruit. S. 2411—which was reported by the subcommittee on July 26, 1976, reported by the full committee on September 23, 1978 (see Report No. 95-1653) passed the House on October 10, 1978—was signed by the President on October 24, 1978 (Public Law 95-503).

In brief, the bill amended chapter 315 of title 18, United States Code, by adding a new section 4285. This section authorizes a Federal court judge or magistrate to direct the U.S. marshal to furnish an indigent defendant, pending his appearance before that court, or in another judicial district or division with non-custodial transportation or with transportation expenses to the place where the charges are pending. If needed, it would also provide him with money for necessary subsistence expenses en route. The bill would expedite criminal proceedings in the Federal courts and conserve the manpower of the U.S. marshals by enabling a defendant who is otherwise eligible for release, but who would not provide the necessary transportation on his own, to travel unescorted by the U.S. Marshals Service to the place where criminal proceedings are pending. Transportation expenses would be paid from funds made available to the U.S. Marshals Service.

Another Senate passed bill (S. 2016), to provide for increased witness fees, was not reported by the subcommittee.

D. *Transfer Powers of the Federal Courts.*—The May 4th hearing produced testimony on the need to increase the transfer powers of the Federal courts in cases of misfiling or double filing. A bill H.R. 11276), previously introduced by Chairman Kastenmeier, was forwarded to several legal scholars and organizations for further analysis and comment. Because of time pressures, no further action was taken on this legislative proposal.

E. *Judicial Retirement.*—The subcommittee, after two days of markup, also reported a bill (H.R. 3327) to permit the resignation with the right to continue receiving pay of certain Federal judges at age sixty-five who have completed fifteen years judicial service. The matter was not considered by the full committee.

F. *Marianas Islands.*—On September 11, 1978 the subcommittee marked-up and reported out a bill to amend title 28 of the United States Code to provide that the requirement that each U.S. Attorney, assistantant U.S. attorney, and U.S. marshall reside in the district for which he is appointed shall not apply to an individual appointed to such position for the Northern Mariana Islands if he is at the same time serving in the same capacity as another district. On September 26, 1978, the full committee reported favorably the bill (Report No. 95-1650). On October 10, 1978, H.R. 13892 passed the House on the consent calendar. On October 13, 1978, the bill passed the Senate and on October 27, 1978, the President signed it into law (Public Law 95–530).

G. *Judicial Accommodations.*—On August 1, 1977, the subcommittee ordered favorably reported to the full committee a bill (H.R. 2770) relating to the furnishing of accommodations to judges of the courts of appeals of the United States. On October 4, 1977, the full committee reported the bill. See House Report No. 95–748. On October 31, 1977, H.R. 2770 passed the House by unanimous consent. On November 2, 1977, the Senate Judiciary Committee ordered the bill reported. See Senate Report No. 95–579. And on November 4, 1977, the bill passed the Senate. Finally, on November 19, 1977, H.R. 2770 was signed by the President (Public Law 95–196).

6. *Dispute resolution*

The subcommittee held two days of hearings (on July 27, 1978, and August 7, 1978) on the resolution of minor disputes, both inside and outside the formal judicial system, either State or Federal. A bill (S. 957), as amended, had passed the Senate on June 29, 1978, and had been referred jointly to the House Committee on the Judiciary and House Committee on Interstate and Foreign Commerce.

The members of the subcommittee and the members of the Com-
erce Subcommittee on Consumer Protection and Finance met on
vo occasions in an attempt to achieve a meeting of the minds on this
nportant legislation. This was accomplished and the Commerce sub-
ommittee then (on August 17, 1978) reported an amended bill to its
ıll committee.

The Subcommittee on Courts, Civil Liberties, and the Administra-
on of Justice then marked-up this bill. After two days of markup
nd discussion (August 3, 1978, and September 19, 1978), the subcom-
ittee ordered the bill favorably reported. Changes made by the sub-
ommittee were then incorporated in substantial part into a bill con-
idered and reported by the Interstate and Foreign Commerce Com-
ittee during its session of September 26, 1978. On October 12, 1978,
his bill failed passage on the suspension calendar, two thirds not vot-
ng in the affirmative (224 yeas; 166 nays). The bill was never consid-
red by the Committee on the Judiciary because of lack of time at the
nd of the session.

A brief summary of the bill follows. If it had passed the House, the
Dispute Resolution Act would have assisted States, localities, and non-
rofit organizations to develop inexpensive, fair, and easy to use mech-
nisms for resolving minor disputes. Such mechanisms would have
ncluded the improvement of existing small claims courts, the develop-
nent of forums for conciliation, mediation, and negotiation, arbitra-
ion programs, and neighborhood justice centers. The bill also would
ave established a Resource Center within the Department of Justice
o serve as a clearinghouse for information and to conduct research
nd assist State and local governments, and nonprofit organizations
which are establishing new or improving existing dispute resolution
nechanisms.

6. JUDICIAL TENURE

On September 12, 1977, subcommittee Chairman Robert Kastenmeier and five other members of the subcommittee (Danielson, San-
ini, Ertel, Railsback, and Butler) introduced a legislative proposal (H.R. 9043) to provide for improvements in the administration of the Federal courts by the establishment of a commission on judicial disabilities and tenure.

In the meantime, the Senate Judiciary Subcommittee on Improvements in Judicial Machinery reported a judicial tenure bill (S. 1423) to the full committee. On July 24, 1978, the bill was reported favorably, as amended, to the Senate. See Senate Report No. 95–1035. On September 7, the bill passed the Senate by a vote of 43 yeas to 31 nays. The 95th Congress ended before the subcommittee was able to devote time to this important issue.

7. OTHER COURT BILLS

1. *Habeas Corpus.*—On March 28, 1978, Chairman Kastenmeier introduced a bill (H.R. 5631) dealing with habeas corpus review on the Federal courts. His bill made clear that State or Federal prisoners who are otherwise eligible for Federal habeas corpus relief may not be denied such relief on the ground that such State or Federal Government provided an opportunity for a full and fair litigation of a constitutional claim.

Because of negative comments from several witnesses at the State of the Judiciary hearings, the subcommittee devoted no further time to this subject matter area.

2. *Standing.*—On July 12, 1978, Chairman Kastenmeier introduced a bill (H.R. 13434) to provide for consistent standards relating to standing to bring suit in Federal courts. In the late days of the Congress, staff worked closely with their Senate counterparts and the Department of Justice on this issue. No formal action was taken by the subcommittee which closely monitored the hearings held by the Senate Judiciary Subcommittee on Citizens' and Shareholders' Rights.

PRIVACY

During the 94th Congress, the subcommittee held twelve days of hearings which covered general problems of privacy protection, including the confidentiality of banking and credit records.

As a result of those hearings the subcommittee reported H.R. 214, as amended, a multi-titled bill which, among other things, would have regulated the power of federal agents to examine banking, credit, and telephone toll records. The full committee failed to approve the measure during the 94th Congress and voted to recommit it to subcommittee for revision.

On the instructions of Chairman Kastenmeier staff met with members of the Administration, including the Department of Justice and Treasury, early in the 95th Congress, to discuss possible alternative approaches to the issues raised in H.R. 214, which had been re-introduced with the same bill number, in the new Congress. These Discussions, which also involved staff representatives of the House Committee on Banking, Currency, and Urban Affairs, resulted in Administration endorsement of H.R. 214 with several modifications. The new Administration position was articulated by Assistant Attorney General Phillip Heyman in testimony before the subcommittee on July 13, 1978. Additional favorable testimony from the Department of Treasury and the United States Postal Service was received on July 20.

As a result of discussions among representatives of the Administration, the House Committee on Banking Currency and Urban Affairs, and Chairman Kastenmeier, the modified text of H.R. 214 as relates to bank and credit records was incorporated into H.R. 13471, the Financial Institutions Regulatory Act of 1978, as Title XI. The bill was subsequently enacted as Public Law 95–630.

THE FOREIGN INTELLIGENCE SURVEILLANCE ACT

The Subcommittee on Courts, Civil Liberties and the Administration of Justice began studying the issue of national security wiretapping over four years ago, in April 1974, when hearings were held on several bills, including a proposal to require a court order prior to any interception of oral or wire communications in national security cases.

At that time Assistant Attorney General Henry Peterson, speaking for the Administration, stated to the subcommittee, "let me be very brief. We opposed these bills. That is it."[1] During the subsequent 2-

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[1] *Wiretapping and Electronic Surveillance: Hearings before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Committee on the Judiciary,* 93d Cong., 2d sess (1974), serial No. 41 (testimony of Hon. Henry E. Petersen, at 124.).

year period, Mr. Petersen and his successors, as well as intervening Attorneys General, consistently opposed the concept of legislation imposing judicial restraints on national security wiretapping.

However, in 1976, President Ford announced a change in policy. He indicated a willingness to work with Congress to develop a system of court supervision of national security wiretapping. In response to his invitation for congressional input, Chairman Kastenmeier and Congressman Railsback wrote to the President offering their cooperation and included draft language for a bill on national security surveillance.

Following consultation with Members of Congress a draft bill was introduced by Chairman Rodino as H.R. 12750, the Foreign Intelligence Surveillance Act of 1976.

An identical bill, S. 3197, was introduced in the Senate. While H.R. 12750 and S. 3197 represented a distinct departure from the former Administration's long held opposition to any statutory controls on foreign intelligence wiretapping, they were considerably more limited in scope than bills which earlier had been considered by the subcommittee. A broad coalition of civil liberties groups, in fact, argued that the bill simply constituted a disguised method of legitimizing the questionable practices which had in the past been represented by warrantless wiretapping. These groups, led by the American Civil Liberties Union, pointed out that the bill did not require a showing of criminal probable cause, did not permit judicial evaluation of the facts supporting a wiretap application, and failed to eliminate all exceptions to the warrant requirement.

While the subcommittee held 3 days of hearing on H.R. 12750 in the 94th Congress,[2] it failed to move to markup on the measure for the reason that the Senate, with which the Administration had collaborated originally in developing the legislation, failed to act.

With the convening of the 95th Congress, those who in the past had been involved with the issue, had an opportunity to reexamine the whole question of national security wiretapping with a fresh perspective, unimpeded by the limitations imposed on the debate by the previous Administration. After consultations between the new Administration and Members of Congress legislation was introduced—H.R. 7308 in the House and S. 1566 in the Senate.

In the House, a new Permanent Select Committee on Intelligence was created for the sole purpose of focusing on the legislative and ethical operation of our nation's intelligence system. That committee and its subcommittee on legislation immediately began consideration of H.R. 7308 and related bills on the subject of foreign intelligence surveillance. The subcommittee on legislation conducted eight hearings and markup sessions, followed by additional markup before the full Intelligence Committee.

In discharging its newly assigned responsibilities the Permanent Select Committee on Intelligence did not work within a vacuum. The Select Committee built upon the experience of three other legislative committees, including the Judiciary Committee, spanning a period of three Congresses. Since the Senate Judiciary and Intelligence Committees had already completed their consideration of the legislation prior to subcommittee markup in the House Permanent Select Committee on Intelligence, that committee was able to begin its deliberations with an already highly developed bill. Furthermore, two of the three members of the legislation subcommittee which drafted the bulk of the House Judiciary Committee. Therefore, the special legal expertise which that committee brings to the legislative process was clearly utilized in the processing of the legislation by the Permanent Select Committee on Intelligence.

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[2] *Foreign Intelligence Surveillance Act: Hearings before the Subcommittee on Courts, Civil Liberties, and the Administration of Justice of the House Committee on the Judiciary,* 94th Cong., 2d sess. (1976) serial No. 65.

Following the favorable report on H.R. 7308 by the Intelligence Committee, the Subcommittee on Courts, Civil Liberties and the Administration of Justice began separate consideration of the measure, conducting three days of hearings. Witnesses included: Attorney General Griffin B. Bell; former C.I.A. Director William Colby; former Solicitor General Robert Bork; Senator Edward Kennedy; Congressman Robert McClory, Congressman Morgan Murphy and Congressman Romano Mazzoli, as well as Messrs. John Shattuck and Jerry Berman of the American Civil Liberties Union and Mr. Morton Halperin, representing both the ACLU and the Center for National Security Studies. Upon conclusion of the hearings the subcommittee met to discuss the best course of action to take with regard to H.R. 7308 and voted to table the bill.[3]

The purpose of the tabling motion was to permit the immediate consideration of the legislation by the Rules Committee and subsequently the full House of Representatives without the delay which further Judiciary Committee consideration most certainly would have produced.

Given the fact that the committee had already spent three sessions of Congress considering similar legislation and the further fact that the Intelligence Committee product represented a fragile, but broadly based consensus of the intelligence agencies, the Administration, and the United States Senate,[4] the subcommittee concluded that would do a great disservice to the legislation if, by further delay, it prevented early consideration of an already carefully refined bill by all members of the House. To subject the measure to full Judiciary Committee markup would have been duplicative and would have threatened to delay the opportunity for full House consideration to a point so late in the session that passage of the bill would be jeopardized. Since the Rule authorized a three hour debate with a full one and a half hours of general debate under the control of the Judiciary Committee, there was ample opportunity for members of the Committee to offer comments and, subsequently, amendments on the Floor. Chairman Kastenmeier was designated co-manager of the bill.

Although the subcommittee did not actually report the bill to the full judiciary committee, it issued a committee print containing the views of members.[5]

The Foreign Intelligence Surveillance Act was debated by the full House of Representatives on September 6 and 7.[6] Twenty-one amendments were considered, eleven were adopted After a total of 15 hours of debate the bill was passed by a vote of 246 yeas to 148 nays.[7]

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[3] *See* Minutes of Subcommittee on Courts, Civil Liberties, and the Administration of Justice of House Committee on the Judiciary, 95th Cong., 2d sess., June 29, 1978.

[4] The Senate voted 95 to 1 in favor of S. 1566, The Foreign Intelligence Surveillance Act, 124 *Congressional Record* 6019 (1978).

[5] *Committee Print, The Foreign Intelligence Surveillance Act of 1978. H.R. 7308, subcommittee on Courts, Civil Liberties and the Administration of Justice, Committee on the Judiciary, House of Representatives*, 95th Cong. 2d sess. (1978).

Since the legislation, S. 1566, had already passed the Senate in different form by a vote of 95 to 1, a joint Committee of conference was commenced.[8] Managers on the part of the House were: Honorable Peter W. Rodino, Honorable Robert W. Kastenmeier, Honorable Romano Mazzoli, Honorable Allen Ertel, Honorable Edward Boland, Honorable Morgan Murphy, Honorable Robert McClory, and Honorable Bob Wilson.

The conference report was filed in the House on October 5.[9] On October 12, the report was approved by the full House by a vote of 226 yeas to 176 nays.[10] The President signed the measure into law as Public Law 95-511.

The enactment on Public Law 95-511 concluded six years of national debate on the issue of foreign intelligence surveillance which had been initiated by the decision of the Supreme Court in the case of *United States* v. *United States District Court* in 1972.[11] In that landmark case the court invited Congress—

> To consider protective standards . . . which differ from those already prescribed for specified crimes in Title III (of the Omnibus Crime Control and Safe Streets Act of 1968). Different standards may be compatible with the Fourth Amendment if they are reasonable both in relation to the legitimate need of Government for intelligence and the protected rights of our citizens.[12]

As enacted Public Law 95-511 meets the challenge of Mr. Justice Powell's opinion. Now, for the first time a court order based on a probable cause standard is required prior to the initiation of any electronic surveillance directed at a United States citizen, permanent resident alien or foreign visitors. All surveillance, even that directed solely at communications exclusively among foreign powers, must be reported to the court. With respect to United States citizens and permanent resident aliens, the court must find, as part of its determination that the target is an agent of a foreign power, that he or she knowingly engages in activities which may involve a violation of the criminal stautes of the United States. These judicially reviewedstandards constitute a major advance in the protection of Civil Liberties from the days when President Franklin Roosevelt authorized the Attorney General to approve electronic eavesdropping in any case which he considered raised "grave matters" involving the defense of the nation.

In addition to providing a judicial warrant for foreign intelligence surveillance, the Foreign Intelligence Surveillance Act prescribes the creation of two new judicial panels to hear applications for orders and to consider appeals involving those applications. The Act also contains extensive guidance on minimization of surveillance to eliminate the overhearing of non germane communications as well as stringent

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[6] 124 *Congressional Record* H9102 to H9151, H9237 to H9273 (1978).

[7] 124 *Congressional Record* H9268 (1978).

[8] *Supra*, note 4.

[9] *Conference Report to accompanying S. 1566, the Foreign Intelligence Surveillance Act of 1978*. House of Representatives Report. No. 95-1720, 95th Cong., 2d Session (1978).

[10] 124 *Congressional Record* H. 12543 (1978).

[11] *United States* v. *United States District Court*, 407 U.S. 287 (1977).

[12] *Id.* at 322.

civil and criminal penalties designed to encourage compliance with the letter and spirit of the law.

According to Dr. Morton Halperin, Director of the Center for National Security Studies, the Foreign Intelligence Surveillance Act will "prevent most, if not all, of the abuses of privacy which have come to light." [13]

Admiral Stansfield Turner, the Director of the Central Intelligence Agency, wrote:

> I support the bill because I believe it strikes a fair balance between intelligence needs and privacy interests, both of which are vitally important. In my view the legislation will place the activities with which it deals on a solid and reliable legal footing and help to rebuild public confidence in the national intelligence collection effort and in the agencies of government principally engaged in that effort.[14]

Enactment of the Foreign Intelligence Surveillance Act was one of the landmark accomplishments of the 94th Congress, completing years of work involving two Administrations and four separate congressional committees. It represents a unique historical consensus. bringing together civil libertarians on one hand and the nation's intelligence agencies on the other, in a joint effort to assure the American Public that the abuses of the Watergate era will not be repeated. Public Law 95-511 is a major innovation among many in the law of civil liberties which have emanated from the House Committee on the Judiciary throughout the years.

ATTORNEYS' FEES

Two days of hearings were held on November 16 and 17, 1977, on the issue of the payment of attorneys' fees to prevailing parties in federal cases. The subcommittee had commenced similar hearings in the 94th Congress, after the Supreme Court's ruling in *Alyeska Pipeline Services Co.* v. *Wilderness Society*, 421 U.S. 240 (1975), which held that, absent specific statutory authorization, federal courts generally do not have power to allow the awarding of attorneys' fees. Although most of the bills pending in the subcommittee this Congress involved the liability of the United States for attorneys' fees, the scope of the November hearings also included the issue of liability of private parties and other governmental units. The specific bills which were pending before the subcommittee at the time of the hearings were: H.R. 552, H.R. 913 (identical to H.R. 975, 1817, 1819, 2035, 2803, 4814, 7455), H.R. 4903, and H.R. 2037. The last mentioned bill relates to criminal cases; the other bills and the main focus of the hearings pertained to civil cases.

During the second session of the 95th Congress, two more days of hearings were held on April 26 and 27th on the subject, this time focusing on expanding the liability of the United States for attorneys' fees by the amendment of 28 U.S. Code § 2412. Witnesses at the hearings had indicated a need for more equitable treatment of parties which prevail over the Federal Government, especially when the

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[13] *Hearings on H.R. 7308, The Foreign Intelligence Surveillance Act of 1978, Before the Subcommittee on Courts, Civil Liberties and the Administration of Justice of the House Committee on the Judiciary*, 95 Congress, 2d session, serial , at (1978).

[14] *Supra*, note 5 at 5.

d States fails to act as it was congressionally mandated to do, or
a bad faith, frivolously vexatiously or unreasonably. H.R. 12088
he principal focus of those hearings. However, due to the press
ther business, the subcommittee deferred action on such
ation.

PERFORMANCE RIGHTS IN SOUND RECORDINGS

ring the 94th Congress, the Subcommittee on Courts, Civil Liber-
nd the Administration of Justice completed the drafting of the
right Revision Act of 1976,[1] one of the most complex pieces of
ation to emerge from the Judiciary Committee in recent years.
Act, which was finally signed into law by the President on
er 19, 1976, contained section 114((d), requiring the Register of
rights to submit a report to Congress on January 3, 1978, setting
recommendations as to whether the law should be further modi-
o provide for a performance right to owners of copyrights in
recordings and the performers whose work is reproduced on
ighted sound recordings.

January 3, 1978, the Register submitted a 1162 page report with
tive recommendations to the Congress.[2]

sequently, the subcommittee held field hearings in Beverly Hills,
rnia, on March 29 and 30 on legislation to establish a perform-
ight in sound recordings.[3] Southern California is the center of
tion's recording industry. The field hearings provided the sub-
ittee with an opportunity to visit a recording studio to see how
recordings are made as well as to hear witnesses from the
ry.

May 24 and 25, 1978, the committee held further hearings in
ngton, D.C. for the purpose of receiving testimony from the
er of Copyrights and other government witnesses.[4]

ler existing law copyright protection is provided to the follow-
pes of intellectual creations: (1) literary works such as books,
stories, articles and periodicals; (2) musical compositions and
(3) plays; (4) dances; (5) visual art works such as paintings,
graphs, prints and sculpture; (5) motion pictures and slide
and (7) sound recordings.

nership of a copyright in any one of these kinds of creations car-
ith it the rights to control certain uses of the creation. These in-
the right to copy or reproduce the work, the right to prepare
tive works, (e.g. a screenplay based on a book), and in the case
creation except sound recordings, the right to display, perform
y the work publicly. The Register of Copyrights has recom-
d that the performance right be extended to sound recordings.
en books, plays, photographs, musical compositions, and movies
oadcast by radio and television stations, the station must secure
ance from the author, playrights, composer or photographer,
ht to use the work. Permission is usually granted in the form of
se to use the work in return for payment of a royalty. At the

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L. No. 95–553.
*nittee Print, Performance Rights in Sound Recordings, Subcommittee on Courts,
berties and the Administration of Justice of the Committee on the Judiciary,
Representatives*, 95th Cong. 2d Sess. No. 15.
*ings on H.R. 6063. Performance Rights in Sound Recordings, Before the Sub-
ce on Courts, Civil Liberties and the Administration of Justice of the House Com-
the Judiciary*, 95th Cong. 2d Sess., Serial No. (1978).

present time sound recordings are broadcast by radio and television stations without the payment of any fee to the copyright owner in the recording because of their exemption from the performance right. Broadcasters do pay royalties to the composers of musical compositions which are performed on sound recordings, but the copyright of the composer is separate and distinct from the copyright of the record producer.

The subcommittee failed to mark up legislation on performance rights in the 95th Congress, but is expected to continue its examination of the issues involved in the 96th Congress.

MERIT SELECTION OF UNITED STATES ATTORNEYS AND MARSHALS

An important item of debate in the 95th Congress was whether Federal judges, magistrates, United States Marshals and United States Attorneys should be appointed pursuant to merit selection procedures.

President Carter focused interest on this subject when he stated during the election campaign that:

All federal judges and prosecutors should be appointed strictly on the basis of merit without any consideration of political aspect or influence.

Shortly after his inauguration, the President issued an Executive order establishing merit selection panels for the appointment of courts of appeal judges.

In addition, the administration (through the Department of Justice) has not opposed merit selection of U.S. magistrates. The Subcommittee on Courts, Civil Liberties and the Administration of Justice amended the "Magistrates Reform Act of 1977 (S. 1613) to provide explicit merit selection procedures for magistrates. These proposed procedures met with favorable comment from diverse sources.

The debate over merit selection of U.S. attorneys, U.S. marshals, and Federal district judges was more heated, however.

In response to that debate the subcommittee held two days of hearings, on May 10 and 11, 1978 on the method of selection and removal of United States Attorneys and Marshals. Testimony on the issue was received from the Attorney General and from members of Congress.

OTHER ACTIVITIES

In addition to the activities previously described the subcommittee held four days of oversight hearings during the first session of the 95th Congress on the various agencies over which it exercises authorizing authority—These are the: Federal Bureau of Prisons; the United States Parole Commission; the Legal Services Corporation; the Office of the Assistant Attorney General for Improvements in the Administration of Justice; the Administrative Office of United States Courts; the United States Patent and Trademark Office and the United States Copyright Office.

In addition, the subcommittee processed legislation to extend the life of the Commission on New Technological Uses of Copyrighted Works and to extend the design patent of the United Daughters of the Confederacy.

SUMMARY OF ACTIVITIES OF THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS

DON EDWARDS, California, *Chairman*

JOHN F. SEIBERLING, Ohio
ROBERT F. DRINAN, Massachusetts
HAROLD L. VOLKMER, Missouri
ANTHONY C. BEILENSON, California
M. CALDWELL BUTLER, Virginia
ROBERT McCLORY, Illinois

Tabulation of bills referred to the subcommittee and disposition

Bills referred to subcommittee	275
Bills on which hearings were held	15
Bills reported favorably to full committee	7
Bills reported adversely to full committee	0
Bills pending in subcommittee	267
Bills pending in full committee	1
Bills reported to House	6
Bills passed House	7
Bills pending in House	0
Bills pending in Senate	0
Bills pending State ratification	2
Bills which became law	5

In addition to its general legislative and oversight jurisdiction with regard to civil rights, constitutional rights, constitutional amendments, and the Federal Bureau of Investigation, the subcommittee also has special jurisdiction over bankruptcy and reorganization, and various commissions.

A summary of the principal subcommittee activities, dealing first with legislation, is as follows:

BANKRUPTCY

The subcommittee continued its work on bankruptcy law revision during the first session of the 95th Congress. The work began in earnest during the 94th Congress with 35 days of hearings on H.R. 31 and H.R. 32, both of which were comprehensive revisions of the bankruptcy laws. Drafting continued through the 94th Congress, and was completed just as the 95th Congress convened.

On January 4, 1977, the first day of the Congress, Chairman Edwards, for himself and Mr. Butler, introduced H.R. 6, a bill to establish a uniform law on the subject of bankruptcies. This bill was the culmination of over six years of study, hearings, research, and drafting, beginning with the congressionally-created Commission on the Bankruptcy Laws of the United States, on which Chairman Edwards served. The bill proposed the first major revision of the bankruptcy laws in 40 years, and covered all areas of bankruptcy law, including the court and administrative structure for handling bankruptcy cases, which have out numbered all other Federal, civil, and criminal cases combined in recent years.

Shortly after the subcommittee was organized, it began work on the bill. Four days of briefing sessions were held in early March. Then beginning on March 21, and continuing until May 15, the subcommittee held 22 days of mark-up sessions on the bill. The sessions lasted over 42 hours, and the subcommittee adopted over 100 amendments. On May 16, the subcommittee unanimously reported the bill, as amended, to the full committee.

A tentative clean bill, H.R. 7330, was introduced on May 23, but was later superseded by H.R. 8200, introduced on July 11 by Chairman Edwards and all members of the subcommittee.

The full Judiciary Committee began mark-up on July 14, and continued its work on July 15, and July 19, adopting six amendments plus an amendment in the nature of a substitute incorporating the six amendments, and ordered the bill reported favorably to the full House by a recorded vote of 26–3, with one Member voting "present."

Because of a potential jurisdictional conflict with the Ways and Means Committee concerning four tax-related provisions in the bill, actual reporting of the bill was delayed. On September 8, the committee reconsidered its vote to order H.R. 8200 reported, adopted amendments to the four tax provisions to avoid any jurisdictional conflict, and once again ordered the bill, as amended, reported favorably to the full House by a recorded vote of 23–8. The bill was reported and the Committee Report, No. 95–595, was filed later that day.

The Rules Committee held a hearing on H.R. 8200 on October 13. Chairman Edwards testified. After the hearing, the Rules Committee reported H.Res. 826, providing for consideration of the bill.

On October 28, the House began consideration of H.R. 8200, as reported. General debate was completed, and the amending stage was reached. On October 28, the Committee of the Whole adopted the Danielson-Railsback amendment, which substantially rewrote title II of H.R. 8200, the title that dealt with the court and administrative structure for bankruptcy cases. The vote on the amendment was 183–158 with one Member voting Present, and 92 Members absent. The Floor Manager of the bill, Chairman Edwards asked that the Committee and the Whole House rise. The House agreed, and further consideration of the bill was suspended.

The subcommittee held additional hearings on title II of H.R. 8200 in December, to examine the Danielson-Railsback amendment and alternatives to the amendment and to the bill. The hearings were held on December 12, 13, and 14.

On February 1, 1978, the House completed consideration of the bill. Chairman Edwards asked for a separate vote on the Danielson-Railsback amendment which had been adopted on October 28, 1977. The House rejected the amendment by a vote of 146 to 262. Later in the year, the Senate passed its version of the bill and on September 28, 1978, the House agreed to the Senate version of H.R. 8200 with further amendments. On October 5, 1978 the Senate made further amendments to the bill which the House agreed to on October 6, 1978. The bill was signed by the President on November 6, 1978 and became Public Law No. 95–598.

VOTING REPRESENTATION FOR THE DISTRICT OF COLUMBIA

The subcommittee held hearings on House Joint Resolution 554 and seven similar or identical proposals on August 3, September 14, and 21, and October 4, and 6, 1977. The resolution provides for a constitutional amendment which would (1) extend voting representation to the District of Columbia in the House of Representatives and in the Senate, (2) permit the District to participate fully in the process of the electoral college, and (3) permit the District to participate in the ratification process of future proposed constitutional amendments.

During the hearings, alternate proposals such as statehood, retrocession to Maryland and partial retrocession for voting purposes were also considered.

On October 31, 1977, the subcommittee unanimously ordered H.J. Res. 554 favorably reported to the Committee on the Judiciary. It was subsequently ordered favorably reported to the House on January 31st. The resolution passed the House 289–127 on March 2, 1978.

EQUAL RIGHTS AMENDMENT EXTENSION

On October 26, 1977, H.J.Res. 638 was introduced and referred to the subcommittee. The purpose of the resolution was to extend the ratification period of the proposed Equal Rights Amendment to a total of fourteen years from the date it was initially passed by the Congress.

When the amendment was first submitted to the States by the Congress in 1972, a seven year ratification period was provided for in the resolving clause of the resolution proposing the amendment. That seven year period would have expired on March 22, 1979. The introduction of H.J.Res. 638 reflected a concern on the part of its sponsors that although equal rights is still an important political and societal goal, a number of state legislatures have not been able to consider the amendment fully and fairly and would not be able to do so within the time limits originally established in 1972.

The action contemplated by the sponsors of H.J.Res. 638 was unprecedented. Article V of the Constitution, dealing with the amendment process, is silent on the issue of time limits for ratification of an amendment. Accordingly, serious constitutional questions regarding the authority of Congress to take such a step were raised by the introduction of the resolution. Before the subcommittee could consider the merits of the proposal, it was necessary to address those questions.

The subcommittee held hearings on the constitutional implications of the proposal on November 1, 4, and 8, 1977. At the first hearing the subcommittee heard testimony from the Assistant Attorney General of the Office of Legal Counsel of the U.S. Department of Justice on the Department's opinion on the constitutional questions raised by the extension. At that same hearing, and at the two subsequent hearings, the subcommittee heard from several other witnesses who are experts in the field of constitutional law. In addition, the subcommittee solicited written comments from a number of law professors who were unable to testify in person.

After having considered the legal questions raised by H.J.Res. 638, the subcommittee turned to a consideration of the appropriateness of extending the deadline for the ratification of the Equal Rights Amendment. The task before the subcommittee was to decide whether, in light of all existing political, economic and social conditions, the amendment was still vital and still a matter of important public debate. In order to answer these questions, the subcommittee held three days of hearings on May 17, 18, and 19, 1978. During those hearings, the subcommittee heard testimony from the individuals and organizations most actively involved on both sides of the ratification process in the States, including state legislators in several of the unratified states and leaders of groups supporting and opposing the extension and ratification itself. The subcommittee compiled a substantial record on the nature of the ongoing debate over the amendment in the unratified states.

Based on the information obtained at its two sets of hearings, the subcommittee concluded that to adopt the extension was within the constitutional power of the Congress and that to do so would be an appropriate exercise of that power. On June 5, 1978, the subcommittee reported H.J.Res. 638 favorably to the full committee.

During the interim between subcommittee mark-up and the full Judiciary Committee mark-up on July 18, 1978, it became clear to the subcommittee chairman and to the other sponsors of the resolution that although many members of the full committee and the House agreed that Congress had the authority to enact the extension, some were troubled by the length of the seven year extension period. Many felt that a shorter period would more accurately reflect the contemporaneous approval of the amendment by the States, which the Supreme Court held is implicitly required by Article V of the Constitution. For that reason, at the full Judicary Committee mark-up on July 18, the subcommittee chairman offered an amendment to the resolution which extends the deadline for ratification of the proposed amendment from March 22, 1979, to June 30, 1982. This amendment provided for an extension of approximately three years, three months. The amendment was agreed to. An amendment to permit states to rescind their previous ratifications was defeated and H.J. Res. 638, as amended, was reported favorably to the House of Representatives on July 18, 1978, by a vote of 19–15. The Committee Report, No. 95–1405, was filed on August 1, 1978. On August 3, 1978, the Rules Committee held a hearing on H.J.Res. 638. The chairman of the subcommittee, as well as a number of other members of the subcommittee, testified. The committee granted an open rule by voice vote.

The House of Representatives considered H.J.Res. 638, as amended, on August 15, 1978. The subcommittee Chairman, Don Edwards, was floor manager of the resolution and was assisted by Representative Elizabeth Holtzman, the resolution's chief sponsor. The resolution, as amended, was adopted on August 15 by a vote of 223 to 189.

THE U.S. COMMISSION ON CIVIL RIGHTS

The subcommittee held hearings on H.R. 5645, authorizing funds for fiscal year 1978 for the United States Commission on Civil Rights, on April 1 and 26, 1977. The bill was reported to the full committee on April 26, 1977, and reported favorably by the full committee on May 3, 1977. The House passed the bill as amended on May 23, 1977.

The subcommittee held four days of hearings on H.R. 12432, March 1, 6, 9, and April 14 and took testimony from 19 witnesses. The bill was favorably reported to the full committee on April 28, 1978, and was favorably reported to the House on May 2, 1978.

As reported, the bill extended the life of the Commission for five years, broadened its jurisdiction to review discrimination on the basis of age and handicap status, and authorized certain appropriated sums for fiscal years 1979 and 1980.

The bill passed the House on September 6, 1978, with an anti-lobbying amendment and an anti-abortion amendment. In addition to these two amendments, the bill differed from the Senate-passed version as to the length of extension and the monies authorized to be appropriated.

The House and Senate adopted the Conference Report on September 20, 1978. As proposed by the Conference Managers, the bill extends the life of the Commission for five years, authorizes those sums necessary to carry out the provisions of the Act for fiscal year 1979, and prohibits the Commission from exercising further review of abortion issues.

INTERPRETERS IN FEDERAL COURTS

The subcommittee held three days of hearings regarding a number of House bills and their Senate counterpart, which provide for the appointment of qualified language interpreters and interpreters for the deaf in federal district court proceedings. The legislation established a certification procedure for court interpreters to be administered by the Director of the Administrative Office of the U.S. Courts.

The bills, as originally sent to the subcommittee, also included provisions affecting the pleadings and proceedings in the U.S. District Court for the District of Puerto Rico. However, the subcommittee deleted these provisions of the bill when it unanimously ordered H.R. 14030, the Court Interpreters Act, favorably reported to the full Committee on the Judiciary on August 17, 1978. The full committee ordered that H.R. 14030 be reported favorably to the House as amended by the subcommittee. H.R. 14030 was passed by the full House on October 10, 1978 and by the Senate on October 14, 1978, and became Public Law (95–539) on October 28, 1978.

THE U.S. DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

Legislation referred to the subcommittee pertaining to the use of language interpreters and interpreters for the deaf in federal courts also contained provisions affecting the pleadings and proceedings in the U.S. District Court for the District of Puerto Rico. The testimony presented before the subcommittee convinced the members that some changes in the pleadings and proceedings of the District Court of Puerto Rico were needed. However, since the subcommittee received conflicting opinions regarding the specific provisions in the legislation before it, the members decided that the issue needed to be examined more thoroughly. Consequently, when the Court Interpreters Act, H.R.

14030, was passed by the subcommittee the provisions dealing with the Federal Court in Puerto Rico were deleted. The members did indicate their commitment to further pursue the matter through unanimous sponsorship of new legislation, H.R. 13950, addressing the issue.

The subcommittee, accordingly, scheduled a series of meetings and two public hearings in Puerto Rico to engage in dialogue, both formal and informal, with the many individuals most knowledgeable with the subject matter of the legislation. Meetings were held with the Governor of Puerto Rico, the U.S. Attorney for the District of Puerto Rico, the State Attorney General of Puerto Rico, the Judge who is the Administrator of the State Judicial Center, the Chief Judge and Judges of the State Supreme Court, the Clerk of the U.S. District Court, and other involved with both the federal and state courts in Puerto Rico. In addition, the subcommittee members and staff viewed state and federal court proceedings. Two public hearings were also held during which testimony was received from the President of the Senate and the Speaker of the House of Puerto Rico, a federal district court judge, two bankruptcy court judges, representatives of the federal and state bars of Puerto Rico, the Chairman of the State Civil Rights Commission and two Deans and a law professor representing the three law schools in Puerto Rico. The staff engaged in additional discussions with the two law school deans, who were most helpful in their suggestions, regarding specific provisions of H.R. 13950.

Based on the numerous comments and suggestions received during these meetings and hearings, the subcommittee plans to work on draft proposals and expects that new legislation will be introduced during the 96th Congress which will help to assure that fairness and due process become more of a reality for all individuals who come in contact with the federal district court in Puerto Rico.

FAIR HOUSING

On February 2, 9, May 10, 11 and 15, June 7, and July 27, 1978, the subcommittee held hearings on Title II of H.R. 3504, a bill to amend Title VIII of the Civil Rights Act of 1968, the Fair Housing Act the bill would have made changes in both the enforcement procedures and substantive rights in existing law. Testimony was received from the Secretary of the Department of Housing and Urban Development, the Assistant Attorney for the Civil Rights Division of the U.S. Department of Justice, several civil rights organizations and advocates, representatives from the banking and insurance industries and their regulators, and persons seeking to extend the rights of the handicapped. The consensus of opinion was that increased enforcement authority was needed within HUD and the Department of Justice, and that amendments were needed to resolve the confusion in the existing law.

FBI OVERSIGHT

DOMESTIC SECURITY

The subcommittee commenced its FBI oversight hearings on June 6, 1977, at which time the Department of Justice and the FBI reported

he Bureau's domestic security programs. The effect and meaning
he Attorney General's guidelines for FBI domestic security inves-
tions, issued by Attorney General Levi in December of 1975, were
ussed. The witnesses reported a significant reduction in the domes-
ecurity caseload, which they attributed to (1) the implementation
he guidelines; (2) the Bureau's own internal review of cases and
ffectuation of the policy in favor of quality rather than quantity
ases; and (3) the coincidental reduction of domestic disorder. The
for a legislative charter for the FBI delineating the Bureau's
in this area, was emphasized by the witnesses.
he General Accounting Office (GAO) reported its findings on this
subject to the subcommittee in a hearing on November 9, 1977,
in its report, entitled "FBI Domestic Intelligence Operations: An
ertain Future," issued the same day. The witnesses concurred that
FBI's domestic intelligence operations have been reduced signifi-
ly in scope and level of effort as a result of Bureau and Depart-
efforts. Investigative controls were reported to be strengthened.
ever, the GAO's earlier finding that domestic intelligence activi-
provided few visible results was reaffirmed in this updated study.
hermore, much of the decline in caseload was attributed to exter-
orces—the lack of militant activity by protest groups—and there-
legislation delineating the objectives and scope of domesic in-
gence activities was needed.

FBI CHARTER

December, 1977, H.R. 10400 was introduced by the Chairman,
Edwards. This bill would provide the authority for the FBI to
uct investigations of federal criminal law violations, and would
e the standard which must be met for the initiation of such in-
gations. The Bureau would not be permitted to engage in any
r law enforcement activities such as domestic intelligence mat-
where no criminal violation is suspected.
n February 28, 1978, Attorney General Griffin Bell testified before
Subcommittee on H.R. 10400, and the general principles that he
d to see incorporated in a Charter for the law enforcement activi-
of the FBI. The Attorney General noted with general approval
readth and diversity of responsibilities now committed to the
although he advocated a reexamination of the area of back-
nd investigations. Subsequently, an outline was submitted of is-
for consideration in drafting a basic FBI Charter for non-intelli-
activities. However, the Attorney General declined to take firm
ions on these complex issues until further consideration could be
by the Department of Justice and the FBI.

dom of Information Act compliance

June 27, 1977, a hearing was held on the subject of the FBI's
liance with the Freedom of Information and Privacy Acts
A/PA). In hearings held before the subcommittee in the previous
on, the Bureau's backlog of requests was discussed, and at the re-
of the subcommittee, a plan was submitted for bringing the Bu-
into compliance with the FOI/PA time requirements. The Bu-

reau reported that the plan—dubbed "Project Onslaught"—was operating successfully, and it was expected that the backlog would be effectively eliminated by September, 1977. The witness from the Department of Justice testified as to the Department's policies and procedures with respect to the FBI's processing of FOI/PA requests, including recent directives from the Attorney General and Deputy Attorney General which would facilitate disclosure of information requested pursuant to the Freedom of Information and Privacy Acts.

National Crime Information Center

The subcommittee embarked on an intensive study of the FBI-run National Crime Information Center (NCIC) and related systems, exploring questions of policy, management control and technology. In June of 1977, members were given a three day briefing on technical issues, from the Department of Justice, the FBI, the state-run National Law Enforcement Telecommunications Systems (NLETS), and state users of the NCIC and NLETS systems.

In September 1977, the Task Force on Science and Technology in the Criminal Justice System of the Scientists' Institute for Public Information testified concerning their inspection of and briefing at NCIC. Among their findings and conclusions were the following: no regular, independent audit of the data and procedures had ever been conducted; the actual benefits of NCIC have never been fully evaluated; the procedures for insuring accuracy, correction and update of data were inadequate; the computer downtime was excessive; security and privacy of information was insufficiently protected.

To assist the subcommittee in assessing these issues as well as other related questions of individual rights, management, operations, and public interest, the Office of Technology Assessment (OTA) was requested to undertake an extensive study. Beginning in November, 1977, an OTA special task force of consultants began its preliminary analysis. A draft preliminary analysis was completed in March, 1978. Subsequently, the Board of OTA determined that the issues discussed in that report be studied, and in November, 1978 a working group of consultants and OTA staff began meeting.

The Role of the FBI in the Investigation of Bank Robberies

In a hearing before the subcommittee on July 20, 1978, the GAO presented its findings and recommendations on the divergence of Federal policy and practice with regard to the investigation of bank robberies. Following its extensive review of the current role of the FBI in the investigation of bank robberies, the nature of the crime and its perpetrators, and the federal law and its original legislative intent, the GAO recommended a reduction of the federal government's law enforcement role in this area, and redirection of its energies to areas of higher priorities (organized crime, white collar crime, and foreign counter intelligence).

FBI FIELD OFFICES AND U.S. ATTORNEYS

In August of 1977, the subcommittee chairman and the subcommittee staff initiated a series of field trips to FBI field offices and U.S. attorneys. The purpose of the trips is to gain an understanding of the ac-

al working relationship between the FBI and the U.S. attorneys, as
ll as to observe the day-to-day operations of the FBI field offices.
The subcommittee had received reports that, in a number of cities,
ordination between the two offices was lacking and that FBI re-
urces were not being utilized in the most effective manner possible.
itics pointed to the high number of declinations of cases presented
r the prosecution by the FBI, as well as a growing reliance on in-
use investigators by some U.S. attorneys as proof of these allega-
ons. Through these visits, the subcommittee hopes to learn whether
e allegations are true, how widespread the problems are and what
lutions may be available.

The subcommittee chairman and staff began their investigation in
rly August by visiting FBI field offices in New York City and New-
k, New Jersey, and the U.S. attorneys for the Eastern and Southern
istricts of New York (Brooklyn and Manhattan) and the District
New Jersey (Newark). Later that month, the subcommittee staff
avelled to California to talk to the U.S. attorneys in San Francisco,
cramento and Los Angeles, as well as to visit the FBI field offices
San Francisco and Los Angeles. During the second session of the
th Congress, in November, 1978, members of the subcommittee met
th officials in the FBI field office for the Commonwealth of Puerto
co, to discuss these issues, and the special problems associated with
e investigation and prosecution of terrorist-type activities.

As a result of the visits, certain problems were uncovered that the
bcommittee believes must be resolved if the federal law enforcement
fort is to function in an efficient and productive manner. Indeed, the
estions raised by the relationships between the FBI and the U.S.
torneys reflect the much larger question of the role of the FBI within
e Department of Justice and in federal law enforcement generally.
ecause of his concern that this role be properly defined and imple-
ented, the subcommittee chairman met with the Attorney General on
s return from the New York-New Jersey trip to elicit from the At-
rney General a commitment to work with the FBI, the Department
d the Congress to resolve some of the existing problems. These is-
es were further discussed in the hearing dealing with the FBI
harter.

OVERSIGHT HEARINGS ON ENFORCEMENT OF THE VOTING RIGHTS ACT

On February 6, 1978, the subcommittee heard testimony from Victor
owe, Director of the General Government Division of the General
ccounting Office, regarding their review of enforcement of the Voting
ights Act by the Department of Justice. The GAO concluded that
ch enforcement by the Department needs improvement.

The subcommittee had looked forward to the GAO findings regard-
g the bilingual provisions of the Act, as set forth in the 1975 amend-
ents, but such findings were limited because of a lack of data being
aintained in the field.

On June 15, Assistant Attorney General, Drew Days responded to
e GAO report. The Civil Rights Division acknowledged the validity
many of those criticisms and the Department's plans for corrections.

The subcommittee made no findings but will schedule additional oversight hearings in the 96th Congress, especially the beneficiaries of the 1975 amendments.

OVERSIGHT HEARINGS ON EQUAL EMPLOYMENT OPPORTUNITIES

The subcommittee held hearings on April 12 and July 12, 1978 regarding the problems and progress of the equal employment opportunity (EEO) efforts in the different divisions and bureaus of the U.S. Department of Justice. Witnesses from the General Accounting Office (GAO) reported on their findings and recommendations regarding recruitment, selection and promotion procedures in the Immigration and Naturalization Service (INS), the Drug Enforcement Agency (DEA), the District of Columbia Office of the U.S. Marshals' Service, the Federal Prison System, the Law Enforcement Assistance Administration (LEAA), the Federal Bureau of Investigation (FBI) and the Offices, Boards, and Divisions of the Justice Department.

GAO officials testified that while some progress has been made during the last few years in the hiring of women and minorities by these divisions and bureaus, both groups are largely concentrated in lower level positions. The subcommittee chairman has expressed concern that as one of the primary Federal agencies charged with enforcing civil rights statutes, the Justice Department and its bureaus must be exemplary in its employment practices. Accordingly, the subcommittee will request representatives from the different bureaus and divisions to respond to the GAO findings and recommendations during the next Congress. Additionally, the subcommittee will continue its oversight over EEO practices in other Federal Agencies.

TERRORISM/CRISIS MANAGEMENT

Chairman Rodino on May 11, 1978 requested the subcommittee to look into the federal effort to deal with terrorist type incidents and crisis management with particular emphasis on the protection of individual rights. The emphasis of the subcommittee efforts was to be directed at domestic incidents although the distinction between foreign and domestic events are often blurred.

The subcommittee held hearings on August 16, September 15 and 28, and October 4, 1978 and heard from the Department of Justice, Department of State, the Federal Bureau of Investigation, the Law Enforcement Assistance Administration and the National Association of Chiefs of Police. Contact has also been made with a wide range of media representatives for their views on their role in these incidents.

The subcommittee was asked by Chairman Rodino to submit a report early in the 96th Congress on the status of the federal efforts and organization in this area. The subcommittee will submit such a report and will continue with further detailed study of this subject during the 96th Congress.

SUMMARY OF ACTIVITIES OF THE SUBCOMMITTEE ON MONOPOLIES AND COMMERCIAL LAW

PETER W. RODINO, JR., New Jersey, *Chairman*

JACK BROOKS, Texas	ROBERT McCLORY, Illinois
WALTER FLOWERS, Alabama	CHARLES E. WIGGINS, California
JOHN F. SEIBERLING, Ohio	WILLIAM S. COHEN, Maine
BARBARA JORDAN, Texas	
ROMANO L. MAZZOLI, Kentucky	
WILLIAM J. HUGHES, New Jersey	

Tabulation of bills referred to the subcommittee and disposition

Bills referred to subcommittee	282
Bills on which hearings were held	2
Bills reported favorably to full committee	2
Bills reported adversely to full committee	0
Bills pending in subcommittee	277
Bills reported to House	2
Bills passed by House	1
Bills pending in House	1
Bills passed by Senate	1
Bills pending in Senate	0
Bills which became law	1

During the 95th Congress, the subcommittee exercised a broad range of its jurisdiction, including that over legislation protecting United States trade and commerce against unlawful restraints and monopolies.

ANTITRUST JURISDICTION—ANTITRUST EXEMPTIONS AND IMMUNITIES

On March 29, 1977, the subcommittee held a hearing on the scope and extent of antitrust exemptions and immunities. The purpose of this hearing was to begin an examination of those exemptions and immunities, based in large part on certain studies compiled by the Antitrust Division of the Department of Justice. The Courts, regulatory agencies and private suits have considerably narrowed the scope of some of these exemptions. Additionally, legislation mandating lessened authority for, and eventual abolishing of, the Civil Aeronautics Board, has spurred strong interest in similar legislation concerning the trucking, railroad and maritime industries. Similarly, the McCarran-Ferguson and Capper-Volstead exemptions have come under recent strong criticism. The subcommittee expects that its hearings will provide the basis for future exemption studies, particularly with regard to the McCarran-Ferguson exemption.

MERGER LEGISLATION

The subcommittee held a hearing on June 16, 1977 on H.R. 6001, a bill to expand the scope of section 7 of the Clayton Act by adding the word "affecting" to the present language of section 7. In the

American Building Maintenance case, the Supreme Court held that a large corporation may acquire another corporation which, although large and thus obviously "affecting" commerce, is not technically "in" commerce. Testimony was taken from members of the private bar, academics, the Federal Trade Commission and the Department of Justice.

MERGER OVERSIGHT

Hearings in the 94th and 95th Congresses on merger oversight, led eventually to the premerger notification provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976. The subcommittee feels it important that the effects of this legislation be closely monitored. Accordingly, Professor Willard F. Mueller, author of a 1967 subcommittee report on merger enforcement has prepared an up-date of his report analyzing 25 years of merger enforcement.

The study will examine in detail the affects of horizontal, vertical and conglomerate mergers on industrial concentration. This is particularly important in view of the recent flurry of mergers and the strong criticism directed at some. The study will serve as a very valuable benchmark against which to measure the effect of the premerger notification provisions of the Hart-Scott-Rodino Act, as well as the Federal Trade Commission's regulations thereunder.

"ILLINOIS BRICK" LEGISLATION

On June 9, 1977 the United States Supreme Court held in *Illinois Brick* v. *Illinois*, 431 U.S. 720 (1977) that only first purchasers of price-fixed goods could maintain damage actions. Many State Attorneys General felt that the Court had effectively nullified the Parens Patriae provisions of the Hart-Scott-Rodino Act, as many State suits were dismissed on the basic of the decision. In addition it was felt that there might be a detrimental effect on private enforcement of our antitrust laws.

Accordingly, four days of hearings were held on H.R. 8359, a bill identical to S. 1874. This identical legislation was introduced by Senator Kennedy and Chairman Rodino. The subcommittee took extensive testimony from antitrust officials, members of the private bar and academics.

The measure was marked up by the subcommittee, and ordered reported on April 4, 1978, by voice vote. The measure was also marked up and approved by the full committee by vote of 21–12 and ordered reported to the full House on June 20, 1978.

It is anticipated that work on completing this vitally important project will begin very early in the 96th Congress, with identical legislation being introduced by Senator Kennedy and Chairman Rodino once again.

COMPETITION REVIEW ACT OF 1977

On December 6, 1977, the subcommittee held one day of hearing on H.R. 6098, a bill to establish a Commission to be known as the Competition Review Commission. Testimony was taken from Department of Justice and Federal Trade Commission officials. Testimony was

taken from the sponsor of the bill, Representative Udall, and from
resentatives Kastenmeier and Simon. The measure was designed to
vide an in-depth study and analysis of the state of American in-
try and competition.

NATIONAL COMMISSION ON ANTITRUST LAW AND PROCEDURES

he subcommittee actively participated in hearings held by the
ional Commission on Antitrust Law and Procedures formed by
sident Carter to study procedural problems of large antitrust cases
to examine, in depth, our antitrust exemptions. It is expected that
e detailed hearings will be an invaluable tool in fashioning anti-
t policy in the future. The Commission consisted of five Senators,
Congresspersons including Mr. Rodino, Mr. Seiberling, Ms. Jor-
Mr. McClory and Mr. Wiggins, the Assistant Attorney General
Antitrust who is the Chairman, the Chairman of the Federal
le Commission, a State Attorney General, former Chairman of the
l Aeronautics Board Alfred Kahn, seven who are either in private
tice or in academic life, and a Federal District Court judge. With
-month life, the Commission's report will be available in time for
beginning in the 96th Congress.

ENERGY INVESTIGATION

part of the subcommittee's ongoing investigation of the U.S.
y industry, two reports by the energy staff were published during
d session. The first of these discussed the competitive impact of
ompany expansion into the production of alternate fuels such
al and uranium. The second report described the pattern of joint
ure ownership by major oil companies of producing leases on the
argest domestic oil fields.

JUDGESHIP LEGISLATION

the start of the 95th Congress, pursuant to a policy adopted in
the Judicial Conference of the United States transmitted to the
ress its quadrennial survey of the judgeship needs of the United
s district courts and the circuit courts of appeals. Those Con-
ce requests for additional judgeships were introduced by Mr.
no, by request, as H.R. 3685.

ginning in March, 1977, the Subcommittee on Monopolies and
nercial Law commenced an exhaustive inquiry into the current
of the federal courts, focusing upon H.R. 3685's request for 107
onal district court judgeships and 25 additional circuit court
ships.

rings were conducted throughout March, with testimony re-
from Members of Congress, from the Attorney General and
representatives of the federal branch including Judge Butzner
udge Browning, and from the American Bar Association.

June of 1977, following a thorough analysis of the needs of the
by subcommittee staff, the subcommittee itself undertook three
nd detailed sessions of markup, on June 6, June 7, and June 9,

at which time it reported a clean bill, H.R. 7843, to the full committee.

On October 25 and 26, and on November 1, 2, 9, 10 and 30, the fu committee wrestled with the exhaustive subcommittee work produc and ultimately reported H.R. 7843 as amended. The legislation authorized 110 district court judgeships and 35 appellate court judgeship The bill passed the House under suspension of the rules on February 7, 1978. The House agreed to a conference with the Senate tw days later.

Following a long Conference that began on April 11 and continue through September, the House and Senate conferees agreed to a bi that provides 117 new district judgeships and 35 new circuit judgeships. The Conference also reached agreement on language affectin the administration of large appellate courts.

In connection with its review of the needs of the circuit court the subcommittee had conducted three days of hearings on a separat question—the proposed split of the U.S. Court of Appeals for th Fifth Circuit—in September and October of 1977. The Senate bill ha effected such a split. Testimony was received once again from th Attorney General, and additionally from six distinguished members o the Fifth Circuit bench, from the N.A.A.C.P. and from the Lawyer Committee for Civil Rights Under Law. No resolution of the proposed division of the Fifth Circuit had been reached by the subcommittee at the conclusion of the first session, nor was a split of th Circuit included in the House passed bill. The Conferees subsequentl dropped the split in favor of the compromise language.

On October 4, and October 7, respectively, the House and Senat acted on the Conference Report and the President signed the bill o October 20, 1978 (Public Law 95-486).

ESTABLISH THE POSITION OF ASSOCIATE ATTORNEY GENERAL

S. 2089, to establish within the Justice Department the positio of Associate Attorney General was introduced by Senator Eastlan on September 14, 1977. It was identical to a bill introduced by Chai man Rodino in the House. It passed the Senate on September 20 an on September 21 was referred to the House Committee on the Judiciary. The subcommittee ordered S. 2089 favorably reported to th full committee on September 27, and on September 29 the Committe reported the bill to the House. The bill passed the full House o October 18, and on October 19 it was approved by the Presiden (Public Law 95-139).

SUMMARY OF ACTIVITIES OF THE SUBCOMMITTEE ON CRIME

JOHN CONYERS, JR., Michigan, *Chairman*

ELIZABETH HOLTZMAN, New York
LAMAR GUDGER, North Carolina
HAROLD L. VOLKMER, Missouri
ALLEN E. ERTEL, Pennsylvania

JOHN M. ASHBROOK, Ohio
TOM RAILSBACK, Illinois

Tabulation of bills referred to the subcommittee and disposition

Bills referred to subcommittee	268
Bills on which hearings were held	25
Bills reported favorably to full committee	8
Bills reported adversely to full committee	0
Bills pending in subcommittee	214
Bills reported to the House	2
Bills passed by the House	2
Bills pending in the House	0
Bills pending in the Senate	0
Bills which became law	2

During the 95th Congress. a total of 268 bills, 133 of which related to firearms, were referred to the Subcommittee on Crime. The subcommittee held legislative hearings on railroad vandalism, sexual exploitation of children, racketeering in the sale and distribution of cigarettes, and authorization for additional appropriations for pretrial services agencies that were established by the Speedy Trial Act of 1974.

In addition to its legislative jurisdiction, the subcommittee has oversight jurisdiction of the Law Enforcement Assistance Administration and the Bureau of Alcohol, Tobacco and Firearms. In this regard, during the first session and extending into the second session of the 95th Congress, the subcommittee began laying a foundation for oversight hearings to reauthorize and reform LEAA by obtaining specific information through written and verbal communications. Also, hearings were held on the Administration's proposal to restructure LEAA. With respect to oversight of BATF, the subcommittee held hearings on the Bureau's proposed firearms regulation, which were published in the Federal Register March 21, 1978.

In addition, the subcommittee held a series of hearings on the relationship between unemployment and crime and on white collar crime. An elaboration of the subcommittee's activities follows.

RAILROAD VANDALISM

The subcommittee met on March 9, 1977, to study the problem of railroad vandalism.

Many passengers and railroad employees have been seriously injured or killed over the years because people shoot or throw missiles at moving railroad trains. It is very difficult to apprehend the assailants, particularly juveniles who perform these acts.

The issue is compounded by the fact that it is very difficult for railroad employees to recover compensation for their injuries, because the Federal Employees Liability Act does not apply since the incidents are not a result of the railroad's negligence.

Congress has received requests for federal legislation in this area for many years. In March and July of 1967, the Criminal Laws and Procedures Subcommittee of the Senate Judiciary Committee held hearings on S. 552, a bill to amend Title 18 of the United States Code in order to provide that committing acts dangerous to persons abroad trains shall be a criminal offense. The Senate passed this bill on October 12, 1967, and it was referred to the House Judiciary Committee where no action was taken. Since then, similar bills have been reintroduced each Congress and referred to the Committee on the Judiciary. Since 1973, those bills have come to the Subcommittee on Crime. In each succeeding Congress no action was taken on the bills.

The bill actually before the subcommittee during the early part of the 95th Congress was H.R. 4507, introduced by Representative William Hughes, formerly a subcommittee member. The members considered this bill in the context of exploring the possibility of legislative remedies.

Our witnesses on March 9 were Representative William Hughes (D-New Jersey), who introduced H.R. 4507 to remedy the problem; Mr. Alfred Hamtmann of the Department of Justice; Mr. J. R. Snyder, Mr. Edward McCollough, Mr. Lawrence Mann, Conductor H. E. Thrower, Engineer James E. Wiles, and Brakeman Riley Yonker, all of whom spoke for the legislation on behalf of the Railroad Unions; and Mr. Donald Bennett of the Federal Railroad Administration, who gave the Department of Transportation's views. The American Association of Railroads submitted a prepared statement for the record.

As a result of the information received at the March 9 hearing, the subcommittee determined that legislation was not warranted and voted unanimously to respond to the problem by directing a letter to Honorable Brock Adams, Secretary of the Department of Transportation, urging him to step up regulations to require bullet and missile resistant windows in railroad cars.

CHILD PORNOGRAPHY

At the beginning of the 95th Congress, a series of bills, with more than one-hundred co-sponsors, was introduced that addressed the problem of sexual abuse of children. Primary sponsors of these bills, each of which carried the title of the "Child Abuse Prevention Act", were Representatives Dale Kildee (D-Michigan), and John Murphy (D-New York). With one exception, the bills contained identical substantive provisions providing criminal penalties for sexual abuse of children as defined in the bills. However, some of the bills placed these provisions in Title 18, the Criminal Code; these bills were referred to the Judiciary Committee for consideration. Others proposed these same criminal provisions as amendments to the Child Abuse Prevention and Treatment Act located in Title 42, U.S.C.; these were referred to the Education and Labor Committee.

Representative Conyers on June 28, 1977, introduced H.R. 8059 to amend Chapter 117 (commonly called the Mann Act) of Title 18, United States Code, to prohibit the transportation of minors in interstate and foreign commerce for sexual purposes. That bill was referred solely to the Subcommittee on Crime.

The subcommittee held a series of hearings on H.R. 3913 and H.R. 8059 on May 23 and 25, 1977.

On June 10, 1977, and September 20, 1977, members of our subcommittee and those of the Select Education Subcommittee sat together for an important hearing on the bills H.R. 3913 and 4571.

Issues considered

1. Whether the proposed legislation should amend Title 18 of the United States Code or be placed elsewhere;
2. Whether the criminal penalties for this behavior should be more severe than present Mann Act penalties;
3. Whether sections of the bill penalizing the transportation, distribution and dissemination of materials could be unconstitutional;
4. How to address the separate issue of juvenile prostitution;
5. Whether present federal law was adequate to cover the person who induces or coerces a child to engage in sexually explicit conduct for the purpose of promoting printed or visual matter; and
6. Whether by legislating the Federal government would be intruding upon an area reserved for the states under the police power of the Constitution.

Subcommittee markup, committee markup, and floor action

On September 26, 1977, the subcommittee members met to mark up H.R. 8059 Mr. Conyers' bill which would have amended 18 U.S.C. 2423 to apply to minors transported across state lines for sexual purposes. The subcommittee reported the bill to committee by a 4 to 0 vote. The committee met on September 29, 1977, to mark up H.R. 8059 as reported from subcommittee with amendments and favorably reported to the House H.R. 8059, with amendments, by voice vote (H-Report 95–696).

On October 25, 1977, the House considered H.R. 8059 under suspension of the rules, and it was passed by a vote of 420–0. Later the same day, Representative Ashbrook offered a preferential motion to instruct the conferees to accept a provision in the Senate version known as the "Roth Amendment." That language prohibited the transportation, sale or distribution for sale of material depicting the sexual exploitation of a minor. The language was similar to language in H.R. 6693, inserted by Congressman Kildee, which was accepted by the House on September 26, 1977, in the Child Abuse Prevention and Treatment Act reported out of the Education and Labor Committee. Mr. Ashbrook's motion carried by a vote of 358–54.

Conference

The Senate disagreed to the House amendment and a conference was held on November 21, 1977. Conferees from the House included subcommittee members and the Chairman of the House Judiciary Committee, Representative Peter Rodino, Jr., along with Representative Dale Kildee of the Education and Labor Committee. The major points of difference between the House and Senate versions were r solved as follows:

1. The Senate version contained a section on the prohibiti of transportation, sale or distribution for sale of material d picting sexual exploitation of minors. The House bill did n The House agreed to accept the Senate language but to insert t word "obscene" requiring that the Supreme Court obsceni standard be used to determine whether the materials should banned.

2. The Senate bill contained an amendment offered by Senat Bayh to prohibit certain activities relating to "live performance and the House amendment contained no comparable provisio The Senate agreed to omit the language recognizing that the a tivity sought to be prohibited would come entirely under the n Mann Act section.

3. The Senate and House versions differed in their penal provisions. The penalties for engaging in this activity beca $10,000 and/or 10 years in jail, except in Sections 2251 and 22 of the bill where mandatory minimum sentences appear.

4. The Senate bill amended existing Federal obscenity law increase the penalties of each violation that involved the sexu exploitation of a minor and the House amendment did not. The was no need to keep the Senate provision after an obsceni standard was written into Section 2252 of the law.

Having achieved a compromise, the Senate receded from its d agreement to the amendment of the House and the conferees una mously approved the Conference Report (Report No. 95–811), r ported November 2, 1977, entitled the Protection of Children Agai Sexual Exploitation Act of 1977.

As reported by the conference committee. S. 1585 would make thr related changes in Title 18 of the United States Code. First, it wou add a new section 2251 that would make it a Federal crime to cau any child under the age of 16 to engage in sexually explicit condu for the purpose of producing materials that are to be mailed or tra ported in interstate commerce. It also adds a companion section th prohibits the sale or distribution of any obscene materials that dep children engaging in sexually explicit conduct if such materials ha been mailed or transported in interstate commerce. Finally, it amen section 2423 of Title 18 to prohibit the interstate transportation both males and females under 18 years of age for the purpose of e gaging in prostitution or other sexually explicit conduct for comme cial purposes.

The Senate unanimously approved the Conference Report on N vember 4, 1977, and the House approved it on January 24, 1977. Th legislation became Public Law 95–225 on February 6, 1978.

CIGARETTE BOOTLEGGING

A total of 23 "contraband" bills sponsored or co-sponsored by Members and aimed at curbing interstate racketeering in the sale a distribution of cigarettes were introduced in the 95th Congress a referrred to the Subcommittee on Crime. Primary sponsors of the bills included Representatives Elizabeth Holtzman, Peter W. Rodino, Robert F. Drinan and Tom Railsback. The legislation creates a Federal criminal statutory framework to enable the U.S. Departments of the Treasury and Justice to assist the States in combatting cigarette bootlegging, which has become a major source of income for organized crime and has created an estimated annual loss of $400 million in evaded state cigarette taxes.

Seven additional cigarette bootlegging bills taking an alternative "uniform federal tax" approach to the problem were referred to the Subcommittee on Miscellaneous Revenue Measures of the Committee on Ways and Means. These "tax equalization" bills were designed to eliminate bootlegging through the imposition of a uniform federal cigarette tax and system of rebates to the states to narrow the disparity among state cigarette tax levels and hence remove the profit motive for cigarette bootlegging. One of these bills, H.R. 10066 (sponsored by Representative Drinan) was referred jointly to the Judiciary and Ways and Means Committees, since it contained both "contraband" and "tax equalization" features.

The Subcommittee on Crime held a series of hearings on February 28, March 8 and April 19, 1978, on the Holtzman and Railsback "contraband" bills, H.R. 8853 and H.R. 10807, and on H.R. 10066. Oral testimony was taken from the following witnesses, all of whom supported the "contraband" approach (and many of whom discussed the pros and cons of the "tax equalization" approach as well): Justice Department; Treasury Department; Representatives Elizabeth Holtzman, James R. Jones, Edward R. Pattison, Robert F. Drinan, and Louis Frey, Jr.; Advisory Commission on Intergovernmental Relations; International Association of Chiefs of Police; National Governors' Association; Federation of Tax Administrators; National Tobacco Tax Association; National Association of Tax Administrators; the New York Commissioner of Taxation and Finance and the Ralph Nader Tax Reform Research Group.

Meanwhile, at the urging of subcommittee Chairman Conyers, the Subcommittee on Miscellaneous Revenue Measures of the Committee on Ways and Means also held a hearing on the "tax equalization" bills on March 21, 1978 but took no action on them. The Subcommittee on Crime did not attempt to report "tax equalization" provisions to the full committee, since the Committee on Ways and Means had jurisdiction over the tax portions of H.R. 10066 and other "tax equalization" bills.

On June 28, 1978, the subcommittee members met to mark up H.R. 8853. Ms. Holtzman introduced a group of amendments en bloc, and the Subcommittee reported the bill as amended to the full committee by a voice vote. The bill as amended made it unlawful to knowingly ship, transport, receive, possess, sell, distribute, or purchase "contraband cigarettes," defined as 30,000 cigarettes or more bearing no evidence of State cigarette tax payment in the state where they are found; required "dealers" to keep any records and make such reports prescribed by the Secretary of the Treasury; authorized the seizure and forfeiture of contraband cigarettes and vehicles used to transport them; provided a fine of up to $10,000 or imprisonment for up to two years, or both; and amended the "Racketeer Influenced and Corrupt

Organization" (RICO) Statute to include cigarette bootlegging as a specifically enumerated offense.

The full committee met on September 14, 1978, to mark up H.R. 8853. Congressman Conyers offered the single subcommittee amendment in the nature of a substitute marked as the committee print of H.R. 8853, and the full committee approved H.R. 8853, as amended, by a recorded vote of 24 to 2. The Committee Report (No. 95–1629) was filed on September 26, 1978.

On October 3, 1978, the House of Representatives considered H.R. 8853 under suspension of the rules and passed it on a voice vote. The House then immediately took from the Speaker's table S. 1487, the Senate version of the "contraband" legislation which the Senate had passed on September 29, 1978, and agreed to insert the text of the House bill and to insist on the House amendment.

House and Senate conferees met on October 12, 1978. Conferees from the House included the members of the Subcommittee on Crime and Chairman Peter W. Rodino, Jr. The major points of difference between the House and Senate versions were resolved as follows:

1. *Recordkeeping and reporting.*—The Senate bill contained a very limited recordkeeping provision which limited the Secretary to requiring only that the identity and destination be kept in the records of cigarette dealers. The House amendment was much broader, authorizing any records and reports in any form the Secretary prescribe das well as inspection of dealers' premises, records and cigarettes. The conference substitute adopted compromise language spelling out a broad range of information which the Secretary could require to be kept in dealers' records and retaining the House inspection provisions.

2. *Definition of "contraband cigarettes".*—The Senate bill defined "contraband cigarettes" as a quantity of 60,000 or more cigarettes while the House amendment defined them as a quantity in excess of 30.000. In exchange for maintaining a strong recordkeeping requirement, the House conferees receded to the Senate definition.

3. *Penalties.*—The Senate bill established various penalties involving fines of $5,000 to $10.000 and/or imprisonment of three to five years. The House amendment established a fine of not more than $10,000 or imprisonment for not more than two years. The House conferees receded to the Senate provisions.

Having achieved a compromise, the conferees recommended that the Senate recede from its disagreement to the amendment of the House and the conferees unanimously approved the Conference Report (No. 95–1778), which was filed by Chairman Rodino on October 12, 1978.

The House agreed to the Conference Report on October 14, 1978, by a yea-and-nay vote of 366 yeas. Subsequently, the House agreed to H. Con. Res. 755, directing the Secretary of the Senate to make certain corrections in the enrollment of S. 1487, to wit, striking out in the recordkeeping section the phrase "To the extent that such information is contained in existing business records, no additional records shall be required by the Secretary" and inserting in lieu thereof "Such information shall be contained on business records kept in the normal course of business." The Senate subsequently agreed to the conference report and to H. Con. Res. 755 on October 14, 1978.

The President signed the bill into law on November 2, 1978, and it ecame Public Law 95–575.

PRETRIAL SERVICES AGENCIES

In 1974, the Speedy Trial Act of 1974, which had been reported by he Subcommittee on Crime, became law on January 4, 1975. Title II f that law (Public Law 93–619) established pretrial services agencies n a demonstration basis in ten separate district courts and authorized 10 million to be available until expended.

Early in 1978, the Administrative Office of the U.S. Courts advised he Congress that the $10 million would be expended during fiscal ear 1979 and that additional authorization and appropriation would e necessary to complete the demonstration period.

In order to carry the program over until the end of its reporting eriod and until the next authorization period, Judiciary Chairman 'eter W. Rodino introduced on February 14, 1978, H.R. 10934, to rovide further authorization for appropriations for pretrial services gencies. On April 13, the subcommittee held a hearing on this neasure with Mr. Guy Willets, Chief of the Pretrial Services Branch f the Administrative Office of the United States Courts, presenting estimony.

On June 23, 1978, the subcommittee was referred S. 2937, a bill assed by the Senate on June 19 that would also amend the Speedy 'rial Act to provide further authorization for appropriations for retrial services agencies. In a markup session on June 28, 1978, after onsidering both H.R. 10934 and S. 2937, the subcommittee reported avorably S. 2937 to the full Committee on the Judiciary. Before the ıll committee could take action on this matter, the State, Justice, 'ommerce, Judiciary appropriations contained additional appropria- ons for pretrial services agencies; thereby obviating the need for ırther action during the 95th Congress on this matter.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The 95th Congress was a period of particularly active oversight of e Law Enforcement Assistance Administration by the Subcom- ittee on Crime. Among the factors contributing to this were:

The fact that the House, in initially voting only a one-year reau- orization for LEAA in 1976 and in later compromising with the enate for a three-year extension, in effect put the program on proba- on, with the necessity that it be carefully monitored before a further authorization.

The Carter Administration, particularly Attorney General Griffin ell, indicated very early in the 95th Congress that substantial anges would be made in the program within the limits of existing ecutive branch authority, and that legislative changes would be commended early in the Carter Administration.

The four major areas of oversight activities by the subcommittee re the Community Anti-crime Program, the LEAA research pro- am, the National Crime Survey, and the on-going issues of LEAA organization.

Community anti-crime program

Title I is the legislative authority for the Law Enforcement Assistance Administration program within the Department of Justice.

Section 101(c) of the LEAA reauthorization legislation, the Crime Control Act of 1976, established a new office within LEAA—the Office of Community Anti-crime Programs.

Section 520(a) of the Act authorized to be appropriated $15 million per year for the next 3 fiscal years to provide grants to community groups for specific community anti-crime programs.

The purpose of the community anti-crime program is to make financial and technical assistance available to grass roots, community-oriented anti-crime efforts.

Although funding of such programs under the LEAA block grant and discretionary grant programs is possible, testimony before the subcommittee indicated that community groups find funds for such efforts were very hard to come by.

Six months after the President signed this Act into law, little progress had been made in getting the program operational; the Office of Community Anti-crime Programs mandated by the Act had not been set-up, nor had LEAA demonstrated an intent to do so in the near future: furthermore, proposed guidelines for the program issued by LEAA raised questions as to whether the program funds would reach the recipients intended by Congress. For these reasons Chairman Conyers scheduled an oversight hearing on the Community Anticrime Program for May 11, 1977, to receive a report from LEAA on progress in implementing the program and to receive the views of public witnesses on such progress.

Witnesses who appeared were a former Director of LEAA's National Institute of Law Enforcement and Criminal Justice, the coordinator of the crime task force of a large community organization, and the Acting Administrator of LEAA.

The two main points of contention mentioned above, which prompted the hearing were not resolved during the hearing. However, the direction of the program continued to be a subject of dialogue between the subcommittee chairman, members, and staff and LEAA and Department of Justice management; by the close of the year, the Office of Community Anticrime Programs had been formed and staffed, criteria for evaluating grants applications had been developed stressing the need for funds to be channeled to indigenous groups; and the first round of grants had been made.

The Federal role in criminal justice research

Early in April, 1977, the subcommittee staff met with the staff of the Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, chaired by Representative James H. Scheuer, of the House Science and Technology Committee. Because of joint jurisdiction, Chairman Conyers and Chairman Scheuer decided that the two subcommittees would hold joint hearings on federal criminal justice research.

The hearings were intended to answer the following questions: What, if any, should be the federal role in crime and criminal justice research? What should be the priorities assigned to various types of federally sponsored research? Where should the research be performed? What existing Government models would be useful to consult? Who would have policy direction and control of such a facility? What type of research should take place and in which fields? Many other questions arose during the course of the hearings.

Proposals for change

Throughout the years the subcommittee has had jurisdiction over the agency, and it has entertained proposals for change of the Institute. Several recent studies were brought to the attention of the subcommittee members during the hearings.

(1) The National Academy of Sciences.—The most recent and intensive review of National Institute performance was undertaken by the National Research Council of the National Academy of Sciences, which recommended:

> An end is suggested to "LEAA domination over the Institute" with the Institute Director being accorded Assistant Attorney General rank, full sign-off authority on all awards, and control over administrative budget, personnel and program review.
>
> A statutory "Criminal Justice Research Advisory Board" should be established to assure independence and establish program priorities.
>
> LEAA's juvenile justice institute and criminal justice statistics service should be included within the structure of the new independent National Institute (hopefully expanding the latter to a Bureau of Criminal Justice Statistics).
>
> Functions and activities extraneous to the Institute's substantive research program (e.g., technical assistance to planners and practitioners in designing evaluations and the "packaging" or "marketing" aspects of dissemination) should be dropped from the Institute and put elsewhere in the LEAA structure.
>
> The Institute should abandon organization of its program around functional divisions (police, courts, corrections) or character of tasks (dissemination, evaluation, research funding, equipment and technology) and focus on an organization based on substantive program areas which reflect priority subjects of inquiry, e.g., deterrence, rehabilitation, consequences of change in the system, relation of socialization to crime, and focusing on the criminal law.

(2) The Twentieth Century Fund.—The Twentieth Century Fund's 976 study of the total LEAA program, "Law Enforcement: The ederal Role" would appear, after dropping "block grants," to mold e complete LEAA program into an entity similar to the National nstitute.

(3) National Advisory Commission on Criminal Justice Standards nd Goals.—Issued in early 1977, this document is a set of standards ealing exclusively with criminal justice R. & D. from LEAA's ational standards and goals program.

(4) Law and Disorder IV Study.—This is the latest in a series of EAA reviews that have been the most critical of all outside studies the agency. Like the National Academy of Sciences review, Law and isorder found the National Institute inadequate, politicized and in-

effective. It recommended, in its place, the creation of a new scholarly high-quality center to carry out its own research on the causes of crime, ways of protecting society from its ravages and means for reduction of criminal behaviour.

It was in the wake of all these criticisms the subcommittee decided to hold joint hearings.

Hearings

The hearings began on Wednesday, June 22, 1977, and continued on Thursday, June 23, 1977, on Wednesday, June 29, 1977, on Thursday, June 30, 1977, and on July 21 1977.

Further action

In November of 1977, the DISPAC subcommittee printed a report on its recommendations developed as a result of testimony received at the hearings. The Subcommittee on Crime is considering those recommendations very carefully in light of a new reorganization proposal by the Attorney General which would greatly change the research function in LEAA and the efforts of the President's Reorganization Project which should be presenting a reorganization proposal to Congress early next session on a new Federal Criminal Justice research entity.

The national crime survey

As part of its oversight responsibilities of the Law Enforcement Assistance Administration, the subcommittee held a hearing on October 13, 1977, concerning the suspension of the National Crime Survey.

The National Crime Survey—the so-called victimization survey—is designed to collect accurate statistics on the incidence and nature of crimes involving serious violence and property offenses. Unlike the FBI's Uniform Crime Reports, which depend on police departments to assess the incidence of crime, the National Crime Survey obtains its information from a representative sample of some 60,000 households across the United States. This survey collects detailed offender and victim data for rape, robbery, assault, personal larceny, and the household crimes of larceny, burglary, and motor vehicle theft. The survey is far superior to the existing FBI police reports since it gathers data on crimes both reported and not reported to the police. In addition, because the survey employs a large, representative sample and utilizes one format, it is not subject to serious differences in reporting practices that exist among the 13,000 law enforcement agencies that comprise the FBI's Uniform Crime Reports.

Chairman John Conyers, Jr., called the hearing because Acting LEAA Administrator James M. H. Gregg had signed a memorandum suspending this valuable survey for a period of one year. The chairman of the Judiciary Committee, Mr. Peter W. Rodino, Jr., participated in the hearing and observed, "This was a decision which was made without our having been consulted in this area, and I feel constrained to say that . . . LEAA, which has been the subject of so much criticism, at least was supported in great measure because it did have within its structure such an operation as the National Crime Survey." The committee's ranking minority member, Robert McClory, stated that this "apparent decision . . . to discontinue the National Crime Survey function would seem to me to be a most serious and unfortunate step."

Representatives of the academic and statistical communities who testified at the hearing were unanimous in the criticism of the decision to suspend the survey.

Following the hearing, Deputy Attorney General Peter F. Flaherty overruled the Administrator's decision to suspend the survey and ordered on December 8, 1977, that existing data collection levels for the NCS be continued through June, 1978, pending further study. Subsequently, the Research Triangle Institute conducted a very favorable evaluation of the National Crime Survey. After reviewing this study, the Attorney General decided to continue the Survey indefinitely, with improvements to be made in its methodology.

Reorganization

The Crime Control Act of 1976, signed by the President on October 15, 1976, reauthorized the Law Enforcement Assistance Administration for a period of three years. However, while authorization for the program does not expire until September 30, 1979, the Carter Administration early in 1977 evidenced its intention.

On April 8, 1977, the Attorney General established a study group of seven persons (four from his staff and three from LEAA) to review the LEAA program and to make recommendations to him concerning its future. Two and a half months later the study group presented its report and recommendations to the Attorney General. The group's report was then, per its own recommendation, released to the public for a 60-day period, with an indication that all comments received would be reviewed before any further action by the Attorney General on the study group's recommendations.

It became evident, therefore, that more than the normal oversight would be required of the subcommittee on this matter during the 95th Congress and that the question of reorganization of LEAA could not be deferred until the next reauthorization cycle in 1979.

The subcommittee first scheduled a hearing on the study group's report and recommendations, to which all seven members of the group were invited. Six of the seven members appeared at this August 1st hearing.

The study group made a number of specific recommendations which were designed to accomplish two overall objectives of a restructured federal aid program, which they formulated as follows:

1. Refocus the national research and development role into a coherent strategy of basic and applied research and systematic national program development, testing, and demonstration and evaluation; and
2. Replace the present block (formula) portion of the program with a simpler program of direct assistance to State and local governments with an innovative feature that would allow State and local governments to use the direct assistance funds as "matching funds" to buy into the implementation of national program models which would be developed through the refocused national research and development program.

The group recommended the dropping of the comprehensive planning requirement by the recipients of federal financial assistance, the combining of Part B planning funds and Parts C and E action funds into a single grant fund that would flow directly to recipient State and local units of government; minimum levels of fundings for certain designated functions, such as juvenile delinquency and community anti-crime, would be continued, as would requirements of "coordination" and "systems improvement."

The subcommittee requested and received from the Attorney General copies of all comments received by him on the study group report, which numbered several hundred. Following the close of the comment period, the subcommittee held two days of hearings focusing upon comments offered on the report. On October 3rd, testimony was heard from Richard C. Wertz, Executive Director of the Governor's Commission on Law Enforcement and the Administration of Justice, of the State of Maryland; Saul Arrington, spokesman for LEAA's National Minority Advisory Council; Dr. Malcolm Feeley, Department of Political Science, University of Wisconsin; and Dr. David Walker, Dr. Carl Stenberg, and Ms. Jane Roberts represented the Advisory Commission on Intergovernmental Relations. October 4th witnesses were Honorable Robert McClory, ranking minority member of the Committee on the Judiciary; Senator Tony Derezinski, spokesman for the National Conference of State Legislatures; Honorable Romano Mazzoli, a Judiciary Committee member; David L. Armstrong, Secretary of the National District Attorneys Association; Gregg Morris, Chairman of the Regional Justice Planning Board, San Jose, California; and John Lagomarcino, Staff Director of the National Governors' Association.

Testimony at these hearings and a review of all comments submitted to the Attorney General suggest that the major recurring objection to the study group report and recommendations was that the lack of specificity in the recommendations made it difficult and in some cases impossible to determine just what the study group had in mind. An October 7th letter from Chairman Conyers communicated detailed observations in this regard and recommended that an expanded study group continue where the first group left off, filling in the omissions of the first group. Chairman Conyers suggested that, as a first step in carrying out the study's recommendation of "intensive consultation" with Congress, the Attorney General announce his own proposed timetable for reorganization of LEAA, indicating the various legal steps which the Attorney General proposed utilizing (administrative changes, President's reorganization authority statutory changes).

By Memorandum of November 21, 1977, the Attorney General forwarded a proposal to the President for the restructuring of LEAA. The Attorney General listed the three components of his proposal as follows: (a) a reorganization plan that would abolish LEAA and create a new organization to be called the National Institute of Justice which would consolidate the functions of six specific organizations within the Department of Justice; (b) an amendment of the Omnibus Crime Control and Safe Streets Act; and (c) administrative changes that would be initiated immediately and carried through to the proposed National Institute of Justice.

The substance of the Attorney General's proposal is in many respects similar to the recommendation of the study group and in several points divergent from them. The basis components of a federal aid program with reduced federal requirements, a research component, and a national demonstration program are features of both. The latest proposal would, however, include civil as well as criminal justice research, and a new Bureau of Justice Statistics would be housed in the new National Institute of Justice. The block grant funding mechanism would be retained, and direct funding of local governments would be much more modest than under the study group proposal and limited to a revised "mini-block grant" provision.

Of more immediate importance, however, in the view of Chairman Rodino and Chairman Conyers, is the procedure proposed by the Attorney General for reorganizing and restructuring this program. While recognizing that fundamental program changes proposed by him require congressional action in the normal legislative process, the Attorney General, nonetheless, proposed making structural and organizational changes—changes which parallel and facilitate these statutory changes—in advance of congressional action on the legislative changes. The Attorney General would make these changes by a reorganization plan to be submitted to the Congress by the President under authority granted by the Congress early in the Carter Administration.

On January 5, 1978, Chairman Rodino and staff of the committee and subcommittee met with the Attorney General to advise him of the inadvisability of proceeding in the manner proposed in his Memorandum for the President of November 21. Chairman Rodino alluded to several concerns, including the inseparability of reorganization and legislative changes, the limited consideration which Congress is able to give to reorganization plans under existing law, and the complications introduced by the fact that the President's reorganization project is working separately on reorganization plans that overlap in several respects with the Attorney General's proposal. For these reasons, Chairman Rodino urged the Attorney General to forgo further action at this time to implement a Presidential reorganization plan for federal criminal justice assistance. The chairman expressed the view that the whole issue of reorganization and reauthorizing should be considered as a single unified package in the normal legislative process.

While declaring that his responsibility for direction of the Department of Justice did not permit him to agree to an indefinite delay on the reorganization of LEAA, the Attorney General did express a willingness to hold off on submission of such a formal plan until hearings were held on the proposed program and organizational changes by the Subcommittee on Crime.

On March 1, 1978, the subcommittee continued its oversight of proposed LEAA reorganization plans by hearing the testimony of Attorney General Griffin Bell, Professor Austin Sarat of Yale University, and Chief Justice Robert J. Sheran of the Minnesota Supreme Court.

As a prelude to the submission of the Administration's LEAA reauthorization bill, the Attorney General outlined his proposed amendments to the Crime Control Act of 1976. The key features of those amendments were designed to:

Streamline the planning requirements to LEAA programs;
Strengthen the role of local government units; and
Eliminate red tape.

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In addition, the Attorney General unveiled for the first time his proposal to create an umbrella agency called the Office of Justice Research and Assistance. Encompassed within this office would be LEAA, a separate Bureau of Justice Statistics and an independent National Institute of Justice (formerly the research arm of LEAA).

Professor Austin Sarat summarized some of the findings from research he has conducted on the implementation of the Safe Streets Act by the State planning agencies. According to Sarat, LEAA is plague by a "crisis of theory and practice." At the heart of the block grant system of aid to States and localities is the mandate to produce criminal justice "improvements" and to engage in "comprehensive planning." In practice, both of these mandates remain unfulfilled. By failing to specify what it means to innovate, Congress has required the states and localities to undertake projects they are ill-equipped, in the absence of clear direction, to perform. For the most part, state and local planning agencies have been dominated by the traditional criminal justice agencies, which view LEAA money as a means to improve the administration and efficiency of existing operations. Moreover, state and regional planning units are ill-equipped to plan comprehensively because they lack control over the operating budgets of the line agencies.

Chief Justice Sheran, testifying on behalf of the State Chief Justices of the United States, called for continued guaranteed minimum levels of funding for judicial planning activities and for separate funding of court programs under LEAA.

On July 10, 1978, Chairman Peter W. Rodino, Jr., joined by Ranking Minority Member Robert McClory and Representative Romano L. Mazzoli, introduced H.R. 13397, the "Justice System Improvement Act of 1978." H.R. 13397 is the Administration's proposal to reauthorize and streamline the Law Enforcement Assistance Administration.

A separate National Institute of Justice (formerly LEAA's National Institute of Law Enforcement and Criminal Justice) and a new Bureau of Justice Statistics would be created within the Department of Justice. Overseeing LEAA, NIJ and BJS would be an umbrella agency called the Office of Justice Assistance, Research and Statistics.

H.R. 13397 provides for the submission of a three-year application as opposed to the current plan requirements, thus eliminating some red-tape. The mini-block provisions of current law—which apply to units of local government with a population of at least 250,000—would be liberalized to cities of 100,000 population or more. This provision is designed to permit larger cities and counties to obtain mini-block funds for a three-year period, and to reduce the discretion of the state planning agencies to reject or interfere with local funding priorities.

The bill would guarantee that no state receive less than its block grant share under the current 1979 appropriation, unless appropriations are reduced below the level of funding for that year. States could opt for either of two funding formulas—one based on population (the current law) and another based on a complex crime formula, reflecting that states' crime rate, tax bases, population, and criminal justice expenditures. No state, however, could obtain more than 110% of those formula funds it would receive based on population alone.

On August 17, 1978, Chairman John Conyers, Jr., introduced his own reauthorization measures, H.R. 13948, titled the "Criminal Justice Assistance Act of 1978." The Conyers' bill differs substantially from the Administration's proposal to reauthorize the Law Enforcement Assistance Administration. Instead of open-ended funding categories designed to improve and strengthen the criminal justice system, H.R. 13948 categorizes formula funds into three areas: neighborhood-based community anti-crime programs, alternatives to incarceration, and juvenile delinquency prevention programs. Within each of these categories, states and localities would retain discretion to allocate funds on whatever percentage basis selected.

In order to facilitate local implementation, larger units of local government could apply to the State planning agency for a mini-block grant—that is, one grant for the entire three-year authorization, thus lending more stability to the funding process than the submission of individual grant applications, and guaranteeing localities a certain fixed amount of funds.

A separate community anti-crime program would be continued, in addition to the formula grant program, to provide both technical and grant assistance to community groups. These funds would enable communities to help define and alleviate the crime problems facing them, as well as apply for and manage community anti-crime funds.

Both the Administration and the Conyers bill would create a separate research institute and statistics bureau within the Department of Justice. Unlike the Administration's proposal, however, the Conyers National Institute of Justice would be concerned solely with criminal justice research (excluding civil matters) and would be governed by a twelve-man policy board of Presidential appointees designed to insulate the Institute from the political pressures of the Justic Department. The Institute would also be required to evaluate the effectiveness of programs funded by the Bureau of Criminal Justice Assistance (the counterpart to LEAA) and the Bureau of Justice Statistics. The Bureau of Justice Statistics, would be responsible for both civil and criminal statistics, and would also be governed by a policy board, as opposed to an advisory board under the Administration's plan.

In addition, the current LEAA civil rights provisions would be retained and strengthened to include a pre-award compliance review of grants above $200,000.

On November 20 and 21, 1978, the subcommittee began its hearings on legislative proposals to reauthorize and reorganize LEAA.

TREASURY'S PROPOSED FIREARMS REGULATIONS

On May 4 and 18, 1978, the subcommittee conducted oversight hearings on proposed regulations by the Bureau of Alcohol, Tobacco, and Firearms to strengthen the reporting requirements of the Gun Control Act of 1968.

When these regulations were published in the Federal Register on March 21, 1978 (43 FR 11800), controversy erupted over whether these regulations would create a centralized national data bank of gun owners.

Testifying at these hearings were Representatives Robert McClory, John M. Ashbrook, Abner J. Mikva, Max Baucus, George Hansen, and Steven Symms; Richard J. Davis, Assistant Secretary for Enforcement and Operations, Department of the Treasury; Mr. Rex Davis, Director, Bureau of Alcohol, Tobacco, and Firearms, representatives of the International Association of Chiefs of Police, the National Council to Control Handguns, the National Council for a Responsible Firearms Policy, the National Coalition to Ban Handguns, the National Rifle Association, and the Citizens Committee for the Right to Keep and Bear Arms; Mr. Roy McLaren, Chief of Police, Arlington County, Virginia; Mr. William B. Ruger, President, Sturm, Ruger & Company; and Mr. Robert Cherry, Director, National Sporting Goods Association.

Briefly, the regulations would have required:

1. that licensed firearms dealers—not private citizens—promptly report all thefts and losses of firearms to the Bureau of Alcohol, Tobacco, and Firearms;
2. that quarterly reports be made to ATF of all commercial transactions between firearms licensees—that is, from manufacturers (or importers) to wholesalers, from wholesalers to retailers, and from retailers to other retailers. The only report the retailer would have to submit would be the fact that he or she disposed of the weapon. There was no requirement that a dealer who sells to a private citizen send that citizen's name and address to a centralized data facility.
3. that each firearm manufactured or imported into the United States contain a unique 14-digit serial number.

Subsequent to these hearings, on June 7, 1978, Judiciary Committee Ranking Minority Member Robert McClory introduced an amendment to delete language in H.R. 12930, the bill making appropriations for the Treasury Department and other agencies, which prohibited the expenditures of any funds to implement the proposed BATF gun regulations. This amendment lost on a recorded vote of 314 to 80. A similar restriction was included in the Senate appropriations bill and in the version signed into law.

UNEMPLOYMENT AND CRIME

On September 27, 1977, the subcommittee held the first of a series of hearings on the relationship between unemployment and crime. This issue is of particular interest to Congress and the subcommittee, bearing directly on consideration of the Humphrey-Hawkins full employment bill, the future direction of the Law Enforcement Assistance Administration, and criminal justice policy throughout the United States. Hearings were held in Washington, D.C. (September 27–28, October 26–27, 1977, and April 5, 1978), in San Francisco, California (December 5–6, 1977) and in Los Angeles, California (December 7, 1977).

Among those who gave testimony were economist Harvey Brenner, Johns Hopkins University; Ronald Brown, Deputy Director for Program and Policy of the National Urban League; Professor Eli Ginzberg of Columbia University; the Honorable Abraham Beame, former Mayor of New York City; Sheriff Richard Hongisto, San Francisco; the Honorable George Moscone and Honorable Lionel Wilson, respective mayors of San Francisco and Oakland, California; John Maher of the Delancy Street Foundations; the Honorable Richard Hatcher representing the National League of Cities; Los Angeles Police Chief Edward Davis; and Representative Augustus Hawkins (D- California), co-sponsor of the Humphrey-Hawkins bill (H.R. 50).

In testimony before the subcommittee, the Director of the Office of Criminal Justice Plans and Analysis for the District of Columbia revealed the startling fact that in 1975, at least 46 percent of those adults arrested for a serious misdemeanor or felony were unemployed. Less than half of those employed had worked at their current job for more than a year, and 50 percent of those employed earned less than $3 per hour.

Economist Harvey Brenner presented the results of a time-series analysis indicating that a 1 percent rise in the rate of unemployment results in a 6 percent increase in embezzlement and robbery, a 9 percent rise in narcotics arrests, a 4 percent increase in the number of homicides, and a 5 percent rise in state prison admissions. The subcommittee has also learned that in 1966, a study of Harlem residents concluded that roughly two out of every five adult inhabitants had some illegal income, and that one out of every five appeared to exist entirely on money derived from illegal sources.

The subcommittee completed its first set of hearings on the relationship between crime and unemployment with a hearing on April 5, 1978. Testifying at the hearing were Secretary of Labor Ray Marshall, former Attorney General Ramsey Clark, and Messrs. Gene Kane and James Moore, both formerly with the CETA prime sponsor of St. Louis, Missouri.

As part of its inquiry into unemployment and crime, the subcommittee had received allegations that DOL's offender program under Title III of the Comprehensive Employment and Training Act of 1973 was not being implemented. In fiscal year 1977, $5 million was targeted for offenders, of which only $200,000 was actually spent. And of the $4 million planned for fiscal year 1978, most was reprogrammed for other special target groups and none had been spent for offenders. Despite the fact that fully one-third of the clients eligible for CETA services have criminal records, DOL's national effort consisted of a small two-three man office which dispensed technical assistance to the prime sponsors. Much as a result, of the 460 prime sponsors, it was estimated that only about 50 had embarked on some kind of special program for offenders.

During the hearing, several reasons were identified as to why prime sponsors are reluctant to undertake programs for offenders: the unpopularity of providing services for offenders; the lack of commitment by DOL to adequately finance and staff a national offender office; the much higher cost per client ratio required for offenders, and the difficulties of dealing with the criminal justice system, which at any point in time, may revoke the offender, thereby forfeiting the time and training already expended on the CETA client.

Since the subcommittee does not have jurisdiction over the Comprehensive Employment and Training Act of 1973, thirteen offender amendments to H.R. 12452 were referred to the Subcommittee on Employment Opportunities, which exercises oversight jurisdiction over the Employment and Training Administration of the Department of Labor. These amendments were enacted into law on October 27, 1978, and are now contained in Public Law 95–524.

Also, the subcommittee undertook a number of its own empirical studies examining the relationship between unemployment and crime.

WHITE-COLLAR CRIME

After ten months of staff preparation, on June 21, 1978, the subcommittee began a lengthy series of oversight hearings, which are expected to continue throughout the first session of the 96th Congress, on the subject of "White-Collar Crime: The Problem and the Federal Response." The hearings have a twofold purpose:

First, the hearings will establish for the public record the definition, nature, cause, extent and social and economic costs of white-collar crime. With this purpose in mind, at introductory hearings on June 21 and July 19, 1978, Professors Gilbert Geis and Donald Cressey of the University of California; Professor Harold Norris of the Detroit College of Law; and Mr. Herbert Edelhertz of the Battelle Law and Justice Study Center in Seattle, Washington, offered comprehensive assessments of the major trends and categories of white-collar crime; the historically disparate treatment of white-collar crime versus street crime; the relationship between white-collar crime and street crime, organized crime and inflation; and the manner in which the public, government and business are all victimized by various forms of white-collar criminality.

Second, the hearings will assess, via a methodical systems analysis, charges heard from many quarters that the Federal response to the problem of white-collar crime is inadequate, or, in the words of the ABA's Committee on Economic offenses, that it is underfunded, undirected, uncoordinated and in need of the development of a national strategy and national priorities. To commence this aspect of the inquiry, the subcommittee took testimony on July 12, 1978, from Deputy Attorney General Benjamin R. Civiletti and Justice Department Criminal Division Fraud Section Chief Mark Richard regarding the adequacy of the Justice Department response to the problem. The subcommittee chairman and staff also met privately in this regard on several occasions with various Justice Department officials, including the Attorney General and the Director of the FBI, all of whom pledged their full cooperation with the subcommittee's ongoing inquiry.

The subcommittee chairman initiated several activities to supplement the white-collar crime hearings. Two GAO investigations were launched, the first of which is a study of Justice Department resources devoted to the detection, investigation, and prosecution of white-collar crime. The second is a systems analysis of Justice Department referral and disposition of public corruption white-collar crime cases in selected districts around the country. Staff participated as observers at a symposium on management fraud sponsored by Peat, Marwick, Mitchell & Company in New York on June 1 and 2, 1978; a conference devoted to several white-collar crime-related topics sponsored by Investigative Reporters and Editors, Inc., in Denver on June 16–18, 1978; a conference on the development of a national strategy on white-collar crime sponsored by the National District Attorneys Association in Seattle on July 20 and 21, 1978; and, together with the subcommittee chairman, the Latin American Regional Preparatory Meeting of the Sixth United Nations Congress on the Prevention of Crime and Treatment of Offenders, devoted in part to the international aspects of white-collar crime, in San Jose, Costa Rica on July 31–August 4, 1978.

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SUMMARY OF ACTIVITIES OF THE SUBCOMMITTEE ON CRIMINAL JUSTICE

JAMES R. MANN, South Carolina, *Chairman*

ELIZABETH HOLTZMAN, New York
SAM B. HALL, JR., Texas
LAMAR GUDGER, North Carolina
BILLY LEE EVANS, Georgia

CHARLES E. WIGGINS, California
HENRY J. HYDE, Illinois

Tabulation of bills referred to the subcommittee and disposition

Bills referred to subcommittee	175
Bills on which hearings were held	76
Bills reported favorably to full committee	[1] 8
Bills reported adversely to full committee	0
Bills pending in subcommittee	167
Bills reported to House	4
Bills pending in Rules Committee	0
Bills pending in House	0
Bills passed House	4
Bills failed House	1
Bills which became law	3

[1] Action disposed of a total of 74 measures.

During the first session of the 95th Congress, the Subcommittee on Criminal Justice held 13 days of hearings and 28 meetings. The subcommittee held 24 days of hearings and 37 meetings during the second session.

The subcommittee has jurisdiction over legislation pertaining to recodification of federal criminal laws, compensation of crime victims, the establishment and operation of an office of special prosecutor, selected amendments to Title 18 of the United States Code, the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Appellate Procedure, and the Rules of Procedure Governing Proceedings under 28 U.S.C. §§ 2254 and 2255, as well as other matters assigned by the Committee on the Judiciary.

The subcommittee has oversight responsibility for the activities of the Criminal Division of the Department of Justice.

CRIMINAL CODE REVISION

Legislation to recodify federal criminal laws has been pending before the House and Senate for several years. At the start of the Second Session, on January 30, 1978, the Senate passed S. 1437, the "Criminal Code Reform Act of 1978".

The subcommittee began work on the recodification legislation (H.R. 2311, H.R. 6869 and related bills) early in the First Session with roundtable discussions involving people interested in the recodification of Federal criminal laws. After those discussions, the subcommittee held a series of briefing meetings during which the legislation was examined section-by-section. The briefing meetings were followed by hearings and markup meetings. In all, the subcommittee held 23 days of hearings, during which testimony was received from more than 100 witnesses, and 16 markup meetings.

On July 28, 1978 the subcommittee unanimously ordered a clean bill introduced and reported favorably to the full committee. The subcommittee's bill differs from the Senate-passed bill and is premised upon the belief that modernnzing and updating Federal criminal laws should be a continuing process and that legislation should make substantive changes to a limited area of the criminal law.

The subcommittee bill was introduced on August 17, 1978 and was designated H.R. 13959, the "Criminal Justice Improvements Act of 1978". On October 1, 1978 the full committee took up the subcommittee's bill and adopted the following resolution:

Resolved, that the Committee on the Judiciary—

(1) Commends the Subcommittee on Criminal Justice and its chairman and ranking minority member for their excellent and conscientious work on the general revision of the United States criminal code;

(2) Recognizes that there is not enough time remaining in the 95th Congress to complete action on the general revision of the United States criminal code, including sentencing reform; and

(3) Authorizes and directs the Subcommittee on Criminal Justice to issue as a Committee Document a report on its work, including its findings and recommendations with regard to the general revision of the United States criminal code.

SPECIAL PROSECUTOR

The subcommittee has acted upon legislation creating an office of special prosecutor during the 93rd, 94th and 95th Congresses. At the end of the First Session of the 95th Congress, the subcommittee reported favorably upon H.R. 9705, legislation providing for the court appointment of an independent special prosecutor to investigate and prosecute serious criminal wrongdoing by high-level Executive branch officials. On June 19, 1978, the full committee reported the subcommittee's bill favorably by a vote of 24 to 6 (House Report No. 95-1307).

The Senate also acted on special prosecutor legislation during the First Session, including special prosecutor provisions in title I of S. 555, the "Ethics in Government Act". The provisions of H.R. 9705 and title I of S. 555, which was passed by the Senate on June 27, 1977, are similar.

The House passed S. 555 on September 27, 1978, but the House passed version of the bill did not include special prosecutor provisions. The Committee of Conference on S. 555, however, agreed to include in the Conference Report special prosecutor provisions which were very similar to those in H.R. 9705.

The Senate agreed to the Conference Report on October 7, 1978, and the House did so on October 12, 1978. The bill was signed into law on October 26, 1978 (Public Law 95-521).

PRIVACY PROTECTION FOR RAPE VICTIMS

During the 94th Congress the subcommittee received testimony on legislation to amend the Federal Rules of Evidence to protect the privacy of rape victims by limiting the admissibility of evidence of a rape victim's prior sexual conduct. Similar legislation was introduced in the 95th Congress, and on September 28, 1978 the subcommittee voted to report favorably on H.R. 4727, the "Privacy Protection for Rape Victims Act of 1978".

The House passed H.R. 4727 on October 10, 1978, and the Senate passed it on October 12, 1978. The President signed the bill into law on October 30, 1978 (Public Law 95-540).

FEDERAL RULES OF CRIMINAL PROCEDURE

On April 26, 1976 the Supreme Court promulgated several amendments to the Federal Rules of Criminal Procedure. The original effective date of those amendments was to have been August 1, 1976. Public Law 94-349, however, extended the effective date of the amendments until August 1, 1977 in order to provide the Congress with sufficient opportunity to conduct a thorough review of them.

Early in the First Session of 95th Congress the subcommittee held 3 days of hearings on the proposed amendments, during which testimony was received from a wide spectrum of the legal community. As a result of the hearings and subsequent mark-up meetings, the subcommittee drafted a bill, H.R. 5864, which it recommended to the full committee on March 30, 1977. The subcommittee's bill was favorably reported by the full Judiciary Committee on April 5, 1977 (House Report No. 95-195).

The House passed the bill by a vote of 376-3 on April 19, 1977 and the Senate passed it, with amendments, on July 25, 1977. On July 27 the House concurred in the Senate amendments, and the President signed the bill into law on July 30, 1977 (Public Law 95-78).

CRIME VICTIM COMPENSATION

During the 94th Congress the subcommittee and full committee recommended legislation to provide financial assistance to States that compensate victims of crime for unreimbursed medical expenses and lost wages.[1] That legislation was pending when the 94th Congress adjourned sine die.

At the beginning of the 95th Congress, the subcommittee again took up this legislation, holding five days of hearings on it. The subcommittee, on May 6, 1977, ordered a clean bill (H.R. 7010) reported favorably. The full committee reported H.R. 7010 favorably on May 11, 1977 (House Report No. 95-337). The House, by a vote of 192-173, passed the bill with several amendments on September 30, 1977. The Senate passed the bill with additional amendments on September 11, 1978.

Conferees were appointed and on October 11 a Conference Report was filed (House Report No. 95-1762). The House took up the Conference Report on October 14 and failed to agree to it.

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[1] H.R. 13157 of the 94th Congress. See House Report No. 94-1550.

TERRORISM

Several House and Senate committees worked on legislation concerning terrorism during the 95th Congress. The subcommittee had several terrorism bills pending before it, including H.R. 13387, the "Act to Combat International Terrorism." That bill, which was referred jointly to the Committees on the Judiciary, International Relations, and Public Works and Transportation, implements the terms of the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (done at Montreal, Canada, on September 23, 1971). In addition, the bill amends federal laws pertaining to explosives and requires the President to report to Congress on acts of international terrorism and impose sanction on foreign states that support such acts.

The subcommittee met to consider H.R. 13387 on September 7 and 8, 1978. After presentations from interested organizations and agencies the subcommittee marked up the bill and reported it favorably. The bill was pending before the full committee at the end of the 95th Congress.

CAPITAL PUNISHMENT

The subcommittee held a hearing on July 19, 1978 on H.R. 13360, a bill to amend the Federal Rules of Criminal Procedure and the Federal Rules of Appellate Procedure to provide for post-conviction proceedings for the imposition of the death penalty.

Testimony was heard from various witnesses, including representatives of the United States Department of Justice, the Capital Punishment Project of the American Civil Liberties Union, the United States Catholic Conference, and the Mennonite Central Committee.

BABY SELLING

The subcommittee held two days of hearings during the First Session on legislation that seeks to prohibit the sale of children in interstate or foreign commerce (H.R. 2826 and related bills).

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Union Calendar No. 965

95th Congress, 2d Session . . . . House Report No. 95-1831

REPORT ON THE ACTIVITY

OF THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES

FOR THE

95TH CONGRESS

MADE PURSUANT TO SECTION 136 OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED BY PUBLIC LAW 92-136; RULE X(2)(b)(1), AND RULE XI(d)

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Professional Staff
ELIZABETH HARRISON, *Counsel*

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[1] Deceased, October 10, 1978.

LETTER OF TRANSMITTAL

U.S. House of Representatives,
Committee on Interstate and Foreign Commerce,
Washington, D.C., January 2, 1979.

Hon. Thomas P. O'Neill, Jr.,
Speaker, U.S. House of Representatives,
The Capitol, Washington, D.C.

Dear Mr. Speaker: I present herewith a report on the activity of the Committee on Interstate and Foreign Commerce for the 95th Congress, including the Committee's review and study of legislation within its jurisdiction.

Sincerely yours,

Harley O. Staggers,
Chairman.

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Union Calendar No. 965

95th Congress, 2d Session } HOUSE OF REPRESENTATIVES { Report No. 95-1831

ACTIVITY OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, 95TH CONGRESS

January 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. Staggers, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT

Your Committee on Interstate and Foreign Commerce reports during the 95th Congress, in accordance with the Legislative Reorganization Act of 1946, as amended by Public Law 92-136, Rule X(2)(b)(1), and Rule XI(d).

Jurisdiction

Rule X(1) of the Rules of the House of Representatives vests jurisdiction over the following subjects in your Committee:

(1) Interstate and foreign commerce generally.

(2) Inland waterways.

(3) Interstate oil compacts and petroleum and natural gas, except on the public lands.

(4) Railroads, including railroad labor, railroad retirement and unemployment, except revenue measures related thereto.

(5) Regulation of interstate and foreign communications.

(6) Regulation of interstate transmission of power, except the installation of connections between Government waterpower projects.

(7) Securities and exchanges.

(8) Consumer affairs and consumer protection.

(9) Travel and tourism.

(10) Public health and quarantine.

(11) Health and health facilities, except health care supported by payroll deductions.

(12) Biomedical research and development.

Rules for the Committee on Interstate and Foreign Commerce of the House of Representatives, 95th Congress

Rule 1. *Rules of the House.* The Rules of the House are the rules of its committees and its subcommittees so far as is applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Written rules adopted by the committee, not inconsistent with the Rules of the House, shall be binding on each subcommittee of the committee. Each subcommittee of the committee is part of the committee and is subject to the authority and direction of the committee. Rule XI of the Rules of the House which pertains entirely to committee procedure, is incorporated and made a part of the rules of this committee, which are supplementary to Rules of the House.

Rule 2. *Time, Place of Meetings.* (a) The committee shall meet on the fourth Tuesday of each month and at such other times as determined by the chairman, or pursuant to subparagraph (b), in Room 2123 of the Rayburn House Office Building, at 9:45 a.m. for the consideration of bills, resolutions, and other business, if the House is in session on that day. If the House is not in session on that day and the committee has not met during such month, the committee shall meet at such time and place on the first day thereafter when the House is in session.

(b) The chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purposes pursuant to that call of the chairman.

(c) If at least three members of the committee or subcommittee (whichever is applicable) desire that a special meeting of the committee or subcommittee (whichever is applicable) be called by the chairman or subcommittee chairman, those members may file in the offices of the committee their written request to the chairman or subcommittee chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman or subcommittee chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman or subcommittee chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee or subcommittee (whichever is applicable) may file in the offices of the committee their written notice that a special meeting of the committee or subcommittee (whichever is applicable) will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee or subcommittee (whichever is applicable) shall meet on that date and hour. Immediately upon the filing of the notice, the clerk or the committee shall notify all members of the committee or subcommittee (whichever is applicable) that such meeting will be held and inform them of its date and hour and the measure or matter to be considered and only the measure or matter specified in that notice may be considered at that specified meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

(e) Each meeting of the committee or any of its subcommittees for the transaction of business, including hearings and the markup of legislation shall be open to the public except when the committee or subcommittee in open session and with a quorum present determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. This paragraph does not apply to those special cases provided in the Rules of the House where closed sessions are otherwise provided.

Rule 3. *Agenda.* The agenda for each committee or subcommittee meeting (other than a hearing), setting out the date, time, place, and all items of business to be considered, shall be provided to each member of the committee by delivery to his office at least 36 hours in advance of such meeting.

Rule 4. *Procedure.* (a)(1) The date, time, place, and subject matter of any hearing of the committee or any of its subcommittees shall be announced at least 1 week in advance of the commencement of such hearing, unless the committee or subcommittee determines in accordance with such procedure as it may prescribe, that there is good cause to begin the hearing sooner.

(2)(A) The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House will be in session, shall be announced at least 36 hours in advance of the commencement of such meeting.

(B) The time, place, and subject matter of a meeting (other than a hearing or a meeting to which subparagraph (A) applies) shall be announced at least 72 hours in advance of the commencement of such meeting.

(b) Each witness who is to appear before the committee or subcommittee shall file with the clerk of the committee, at least two working days in advance of his appearance, fifty (50) copies of a written statement of his proposed testimony and shall limit his oral presentation at his appearance to a brief summary of his argument, unless this requirement, or any part thereof, is waived by the committee or subcommittee chairman presiding.

(c) The right to interrogate the witnesses before the committee or any of its subcommittees shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the intertogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the committee present has been recognized once for that purpose. While the committee is operating under the 5-minute rule for the interrogation of witnesses, the chairman shall recognize in the order of appearance members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority.

(d) No bill, recommendation, or other matter reported by a subcommittee shall be considered by the full committee unless the text of the matter reported, together with an explanation, has been available to members of the committee for at least 36 hours. Such explanation shall include a summary of the major provisions of the legislation, an explanation of the relationship of the matter to present law, and a summary of the need for the legislation. All subcommittee actions shall be reported promptly by the clerk of the committee to all members of the committee.

Rule 5. *Waiver of Notice, Agenda, and Layover Requirements.* Requirements of Rule 3, 4(a)(2), and 4(d) may be waived by a majority of those present and voting (a majority being present) of the committee or subcommittee, as the case may be.

Rule 6. *Quorum.* Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the committee or subcommittee in question. In the case of a meeting other than a hearing, the number of members constituting a quorum shall be one-third of the members of the committee or subcommittee, except that a matter may not be reported by the committee or a subcommittee unless a majority of the members thereof is actually present.

Rule 7. *Proxies.* No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of the day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

Rule 8. *Journal, Rollcalls.* The proceedings of the committee shall be recorded in a journal which shall, among other things, show those present at each meeting, and include a record of the votes on any question on which a record vote is demanded and a description of the amendment, motion, order or other proposition voted. A copy of the journal shall be furnished to the ranking minority member. A record vote may be demanded by one-fifth of the members present or in the apparent absence of a quorum by any one member. No demand for a rollcall shall be made or obtained except for the purpose of procuring a record vote or in the apparent absence of a quorum. The result of each rollcall vote in any meeting of the committee shall be made available in the committee office for inspection by the public, as provided in Rule XI, clause 2(e) of the Rules of the House.

Rule 9. *Filing of Committee Reports.* If, at the time of approval of any measure or matter by this committee, any member or members of the committee give notice of an intention to file supplemental minority, or additional views, that member shall be entitled to not less than three (3) calendar days (exclusive of Saturdays, Sundays and legal holidays) in which to file such views in writing and signed by that member or members with the committee. All such views so filed shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter.

Rule 10. *Subcommittees.* There shall be such standing subcommittees with such jurisdiction and size as determined by the majority party caucus of the committee and, in addition, a Subcommittee on Oversight and Investigations. Such subcommittees shall, to the maximum extent practicable, be of equal size. The Subcommittee on Oversight and Investigations shall coordinate its work with the work of the other standing subcommittees and shall maintain regular communication with the standing subcommittees and the chairman of the full committee in order to obtain advice on subjects for investigation. The standing sub committee shall maintain regular communication with the Subcommittee on Oversight and Investigations to advise the Subcommittee on Oversight and Investigations of subjects for investigation.

Rule 11. *Powers and Duties of Subcommittees.* Each subcommittee is authorized to meet, hold hearings, receive testimony, markup legislation, and report to the committee on all matters referred to it. Subcommittee chairmen shall set hearing and meeting dates only after consultation with the chairman of the full committee with a view toward assuring availability of meeting rooms and avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

Rule 12. *Reference of Legislation and Other Matters.* All legislation and other matters referred to the committee shall be referred to the subcommittee of appropriate jurisdiction immediately unless, by majority vote of the members of the full committee within five (5) legislative days, consideration is to be by the full committee. In the case of legislation or other matter within the jurisdiction of more than one subcommittee, the chairman of the committee shall have the same authority to refer such legislation or other matter to one or more subcommittees as the Speaker has under clause 5(c) of Rule X of the House of Representatives to refer a matter to one or more committees of the House. Such authority shall include the authority to refer such legislation or matter to an ad hoc subcommittee appointed by the chairman, with the approval of the committee, from the members of the subcommittees having legislative or oversight jurisdiction.

Rule 13. *Ratio of Subcommittees.* The majority caucus of the committee shall determine an appropriate ratio of majority to minority party members for each subcommittee and the chairman shall negotiate that ratio with the minority party, provided that the ratio of majority party members on each subcommittee shall be no less favorable to the majority than that of the full committee, nor shall such ratio provide for a majority of less than two majority members.

Rule 14. *Subcommittee Membership.* (a) Subject to the requirements of the Manual of the Democratic Caucus of the House of Representatives, each majority member other than the chairman of the full committee or the chairman of a subcommittee shall in order of committee seniority be entitled to membership on two subcommittees of said member's choice. A member (other than an ex officio member) may serve on more than two subcommittees only if such service is necessary in order to comply with Rule 13. Proceeding in order of seniority on the committee, each majority member, other than the chairman of the full committee and the chairmen of the several subcommittees, shall be entitled to select one subcommittee position each. The subcommittee selection process shall then continue in sequence of committee seniority, including the chairmen of the several subcommittees, for suceeding rounds of selection until all subcommittee positions are filled. The subcommittee selection process shall be conducted at a meeting of the majority party caucus of the committee held prior to any organizational meeting of the full committee. Subcommittee selections of each member shall be recorded by the clerk as made and shall be available for examination by the members.

(b) Minority subcommittee membership shall be selected as determined by the minority.

(c) The chairman and ranking minority member of the committee shall be ex officio members with voting privileges of each subcommittee of the committee of which they are not assigned members.

Rule 15. *Subcommittee Chairmen.* (a) Majority members of the committee shall have the right, in order of full committee seniority to bid for subcommittee chairmanships. Any such request shall be subject to approval by a majority of those present and voting, by secret ballot, in the majority party caucus of the committee. If the caucus rejects a subcommittee chairmanship bid, the next senior majority member may bid for the position as in the first instance. The subcommittee chairmen shall be elected by the full committee from nominations submitted by the majority party caucus of the committee.

(b) Subcommittee chairmen shall manage legislation reported from their subcommittees on the House floor.

Rule 16. *Committee Professional and Clerical Staff Appointments.* (a) Whenever the chairman of the committee determines that any professional staff member appointed pursuant to the provisions of clause 6 of Rule XI of the House of Representatives, who is assigned to such chairman and not to the ranking minority member, by reason of such professional staff member's expertise or qualifications will be of assistance to one or more subcommittees in carrying out their assigned responsibilities, he may delegate such member to such subcommittees for such purpose. A delegation of a member of the professional staff pursuant to this subsection shall be made after consultation with the subcommittee chairmen and with the approval of the subcommittee chairman or chairmen involved.

(b) Professional staff members appointed pursuant to clause 6 of Rule XI of the House of Representatives, who are assigned to the ranking minority party member of the committee and not to the chairman of the committee, shall be assigned to such committee business as the minority party members of the committee consider advisable.

(c) In addition to the professional staff appointed pursuant to clause 6 of Rule XI of the House of Representatives, the chairman of the committee shall be entitled, subject to the approval of the majority party members of the committee, to make such appointments to the professional and clerical staff of the committee as may be provided within the budget approved for such purposes by the committee. Such appointees shall be assigned to such business of the full committee as the chairman of the committee considers advisable.

(d) Subcommittee chairmen, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the committee as may be provided in the budgets approved for such purposes by the subcommittees and incorporated into the committee budget as provided for in rule 18 of these rules. Such professional and clerical appointees shall be delegated to the appropriate subcommittee for the purposes of assisting such subcommittee in the discharge of its assigned legislative responsibilities and may be removed and their compensation fixed by the subcommittee chairman subject to the approval of the majority members of the committee.

(e) The chairman of the Subcommittee on Oversight and Investigations, subject to the approval of the majority party members of the committee, shall be entitled to make such appointments to the professional and clerical staff of the subcommittee as may be provided in the budget approved for such purpose in accordance with rule 18 of these rules. Such professional and clerical appointees may be removed and their compensation fixed by the chairman of such subcommittee subject to the approval of the majority members of the subcommittee.

(f) In addition to appointments made pursuant to other subsections of this rule, (1) the subcommittee chairman of each of the committee's subcommittees is authorized to appoint, in accordance with such rules as the majority party caucus may prescribe, one staff person who shall serve at the pleasure of such subcommittee chairman, and (2) the ranking minority member of each such subcommittee is authorized to appoint, in accordance with such rules as the minority party caucus may prescribe, one staff person who shall serve at the pleasure of such ranking minority member. Remuneration of any staff person appointed under this subsection shall be governed by paragraph (d) of clause 5 of Rule XI of the House of Representatives.

(g) Any contract for the temporary services or intermittent services of individual consultants or organizations to make studies or advise the committee or its subcommittees with respect to any matter within their jurisdiction shall be deemed to have been approved by a majority of the members of the committee if approved by the chairman and ranking minority member of the committee and, if funded by a subcommittee, by the chairman and ranking minority member of that subcommittee. Such approval shall not be deemed to have been given if at least one-third of the members of the committee request in writing that the committee formally act on such a contract, if such request is made within 10 days after the latest date on which such chairman or chairmen, and such ranking minority member or members approve such contract.

Rule 17. *Supervision, Duties of Staff.* (a) The professional and clerical staff of the committee delegated to subcommittees of the committee pursuant to rule 16 shall be subject to the supervision and direction of the chairman of the subcommittee to which they are assigned with respect to matters before the subcommittee, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the minority members of the committee who may delegate such authority as they determine appropriate. Subject to subsection (b), the professional and clerical staff of the committee not delegated to a subcommittee pursuant to rule 16(d) or to the minority shall be under the supervision and direction of the chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(b) The professional staff member who is assigned principal responsibility by a subcommittee chairman with respect to a matter before such subcommittee chairman's subcommittee shall continue to assume principal staff responsibility during any consideration before the full committee, the Rules Committee, the House, and Conference Committees of any matter which is reported by such subcommittee.

Rule 18. *Committee and Subcommittee Budgets.* (a) The chairman of the committee after consultation with the ranking minority member of the committee, shall or each session of the Congress prepare a preliminary budget for the committee. Such budget shall include necessary amounts for professional and clerical staff, travel, investigation, and miscellaneous expenses under his direction and supervision. The chairman of each standing subcommittee, after consultation with the members of the subcommittee, shall prepare a preliminary budget which shall include funds for professional and clerical staff, travel, investigation, and miscellaneous expenses and which shall be adequate to fully discharge its responsibilities for legislation and oversight. Thereafter, the chairman of the full committee shall combine such proposals into a committee budget, which shall state separately the budgeted amounts for the full committee and for each of the subcommittees. Such budget shall be presented to the majority party caucus of the committee and thereafter to the full committee for its approval.

(b) The chairman shall take whatever action is necessary to have the budget as finally approved by the committee duly authorized by the House. No proposed committee budget may be submitted to the House Administration Committee unless it has been presented to and approved by the majority party caucus and thereafter by the full committee. The chairman of the full committee or the chairmen of the standing subcommittees may authorize all necessary expenses in accordance with these rules and within the limits of their portion of the budget as approved by the House.

(c) Committee members shall be furnished a copy of each monthly report, prepared by the chairman for the Committee on House Administration, which shows expenditures made during the reporting period and cumulative for the year by committee and subcommittees, anticipated expenditures for the projected committee program, and detailed information on travel.

Rule 19. *Broadcasting of Committee Hearings.* Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meetings or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him.

Rule 20. *Comptroller General Audits.* The chairman of the committee is authorized to request verification examinations by the Comptroller General of the United States pursuant to Title V, Part A of the Energy Policy and Conservation Act (Public Law 94–163), after consultation with the members of the committee.

Rule 21. *Subpenas.* The full committee, or any subcommittee, may authorize an issue a subpena under clause 2(m)(2)(A) of Rule XI of the House of Representatives, if authorized by a majority of the members voting of the committee or subcommittee (as the case may be), a quorum being present. In addition, the chairman of the full committee may authorize and issue subpenas under such clause during any period for which the House has adjourned for a period in excess of three days. Subpenas may be issued over the signature of the chairman of the full committee, or any member of the committee authorized by such chairman and may be served by any person designated by such chairman or member.

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

Harley O. Staggers, West Virginia, *Chairman*

John E. Moss, California
John D. Dingell, Michigan
Paul G. Rogers, Florida
Lionel Van Deerlin, California
Fred B. Rooney, Pennsylvania
John M. Murphy, New York
David E. Satterfield III, Virginia
Bob Eckhardt, Texas
Richardson Preyer, North Carolina
Charles J. Carney, Ohio
Ralph H. Metcalfe, Illinois [1]
James H. Scheuer, New York
Richard L. Ottinger, New York
Henry A. Waxman, California
Robert (Bob) Krueger, Texas
Timothy E. Wirth, Colorado
Philip R. Sharp, Indiana
James J. Florio, New Jersey
Anthony Toby Moffett, Connecticut
Jim Santini, Nevada
Andrew Maguire, New Jersey
Marty Russo, Illinois
Edward J. Markey, Massachusetts
Thomas A. Luken, Ohio
Doug Walgren, Pennsylvania
Bob Gammage, Texas
Albert Gore, Jr., Tennessee
Barbara A. Mikulski, Maryland

Samuel L. Devine, Ohio
James T. Broyhill, North Carolina
Tim Lee Carter, Kentucky
Clarence J. Brown, Ohio
Joe Skubitz, Kansas
James M. Collins, Texas
Louis Frey, Jr., Florida
Norman F. Lent, New York
Edward R. Madigan, Illinois
Carlos J. Moorhead, California
Matthew J. Rinaldo, New Jersey
W. Henson Moore, Louisiana
Dave Stockman, Michigan
Marc L. Marks, Pennsylvania

COMMITTEE STAFF

W. E. Williamson, *Chief Clerk and Staff Director*
Kenneth J. Painter, *1st Assistant Clerk*
Eleanor A. Dinkins, *Assistant Clerk*
Frank W. Mahon, *Printing Editor* [1]
William L. Burns, *Printing Editor*
Joanne E. Bell, *Clerical Assistant*
Jean McLean, *Clerical Assistant*
Sara Elizabeth Gettys, *Clerical Assistant*
Edwin Earl Thomas, *Staff Assistant*
Sharon E. Davis, *Clerical Assistant*
Karen E. Dahl, *Staff Assistant*
Rosemary Udovicic, *Staff Assistant*
James R. Connor, *Staff Assistant*
R. Dennis Mosher, *Documents Clerk*
Jean A. d'Alpuget [3]
Samuel E. Thomas [2]
Leland S. Larmon [3]

Professional Staff

Elizabeth Harrison, *Counsel*
Jeffrey H. Schwartz, *Counsel*
Brian R. Moir, *Counsel*
Karen Nelson, *Professional Staff Member*
Ross David Ain, *Counsel*
Christopher Eugene Dunne, *Counsel*
William Michael Kitzmiller, *Professional Staff Member*
Mark J. Raabe, *Counsel*
Thomas M. Ryan, *Counsel*
George E. Hardy, Jr., *Professional Staff Member*
Anne L. Jordan, *Clerical Assistant*
Barboura C. Flues, *Clerical Assistant*
Charlotte E. Watkins, *Clerical Assistant*
Rose M. Balitis, *Clerical Assistant*
Veronica Crowe, *Clerical Assistant*

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[1] Deceased, Oct. 10, 1978.
[2] Deceased, Oct. 14, 1977.
[3] Detailed from the Government Printing Office.

Minority Staff

Lewis E. Berry, *Minority Counsel*
H. Thomas Greene, *Associate Minority Counsel*
Jan Benes Vlcek, *Associate Minority Counsel*[3]
J. Paul Molloy, *Associate Minority Counsel*
Ronald D. Coleman, *Associate Minority Counsel*
Robert Henley Lamb, *Associate Minority Counsel*
Randall E. Davis, *Associate Minority Counsel*

Barbara L. Bullard, *Administrative Assistant*
Darlene G. McMullen, *Legislative Assistant*
Mollie M. Brown, *Clerical Assistant*
Joseph Kelley, *Clerical Assistant*
June L. Cassidy, *Clerical Assistant*
Jan Higgins, *Clerical Assistant*

SUBCOMMITTEES

Chairman Staggers and Mr. Devine are ex officio members of each subcommittee with voting privileges.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

John E. Moss, California, *Chairman*

Jim Santini, Nevada
Thomas A. Luken, Ohio
Doug Walgren, Pennsylvania
Albert Gore, Jr., Tennessee
Charles J. Carney, Ohio
James H. Scheuer, New York
Henry A. Waxman, California
Philip R. Sharp, Indiana
Anthony Toby Moffett, Connecticut
Andrew Maguire, New Jersey
Robert (Bob) Krueger, Texas

James M. Collins, Texas
Norman F. Lent, New York
Matthew J. Rinaldo, New Jersey
Dave Stockman, Michigan
Marc L. Marks, Pennsylvania

SUBCOMMITTEE ON ENERGY AND POWER

John D. Dingell, Michigan, *Chairman*

Richard L. Ottinger, New York
Robert (Bob) Krueger, Texas
Philip R. Sharp, Indiana
Anthony Toby Moffett, Connecticut
Bob Gammage, Texas
John M. Murphy, New York
David E. Satterfield III, Virginia
Timothy E. Wirth, Colorado
Andrew Maguire, New Jersey
Marty Russo, Illinois
Edward J. Markey, Massachusetts
Doug Walgren, Pennsylvania[1]
Albert Gore, Jr., Tennessee[1]

Clarence J. Brown, Ohio
Carlos J. Moorhead, California
James M. Collins, Texas
W. Henson Moore, Louisiana
Dave Stockman, Michigan
Edward R. Madigan, Illinois[1]

Frank M. Potter, Jr., *Staff Director/Counsel*

SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

Paul G. Rogers, Florida, *Chairman*

David E. Satterfield III, Virginia
Richardson Preyer, North Carolina
James H. Scheuer, New York
Henry A. Waxman, California
James J. Florio, New Jersey
Andrew Maguire, New Jersey
Edward J. Markey, Massachusetts
Richard L. Ottinger, New York
Doug Walgren, Pennsylvania

Tim Lee Carter, Kentucky
James T. Broyhill, North Carolina
Edward R. Madigan, Illinois
Joe Skubitz, Kansas

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[3] Resigned, June 30, 1978.
[1] Appointed member of subcommittee May 5, 1977.

Stephen E. Lawton, *Counsel*

SUBCOMMITTEE ON COMMUNICATIONS

Lionel Van Deerlin, California, *Chairman*

John M. Murphy, New York
Charles J. Carney, Ohio
Timothy E. Wirth, Colorado
Marty Russo, Illinois
Edward J. Markey, Massachusetts
Thomas A. Luken, Ohio
Albert Gore, Jr., Tennessee
Barbara A. Mikulski, Maryland
Henry A. Waxman, California

Louis Frey, Jr., Florida
W. Henson Moore, Louisiana
Carlos J. Moorhead, California
Marc L. Marks, Pennsylvania

Harry M. Shooshan III, *Staff Director/Counsel*

SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE

Fred B. Rooney, Pennsylvania, *Chairman*

Ralph M. Metcalfe, Illinois
Barbara A. Mikulski, Maryland
James J. Florio, New Jersey
Jim Santini, Nevada
Marty Russo, Illinois
Bob Gammage, Texas
John M. Murphy, New York

Joe Skubitz, Kansas
Edward R. Madigan, Illinois
Norman F. Lent, New York

William T. Druhan, *Staff Director*

SUBCOMMITTEE ON CONSUMER PROTECTION AND FINANCE

Bob Eckhardt, Texas, *Chairman*

Ralph H. Metcalfe, Illinois
Robert (Bob) Krueger, Texas
Charles J. Carney, Ohio
Thomas A. Luken, Ohio[1]
Anthony Toby Moffett, Connecticut[2]

James T. Broyhill, North Carolina
Matthew J. Rinaldo, New Jersey

Janie Kinney, *Staff Coordinator*

LEGISLATIVE ACTIVITY OF THE COMMITTEE

During the 95th Congress, 2,320 bills were referred to the committee, of which 68[1] were reported to the House with the recommendation that they be passed. Thirty-eight public laws were enacted.

There follows a summary of each of the pieces of legislation reported from the committee during the 95th Congress grouped according to subject matter. In those cases where the legislation was enacted into law, the summary is of the law; otherwise, it is of the legislation as reported by the committee.

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[1] Appointed member of subcommittee Mar. 29, 1977, to fill vacancy created by resignation of Doug Walgren, Pennsylvania, as member of the subcommittee Mar. 29, 1977.

[2] Appointed member of subcommittee Mar. 14, 1978, to fill vacancy created by resignation of James H. Scheuer, New York, who resigned as a member of the subcommittee on Feb. 22, 1978.

[1] This figure does not include several bills which were referred to this committee and received action although not reported by the Full Committee. 1 bill was discharged by the House. 3 bills were reported by another committee with this committee's concurrence with the other committee's report. 1 bill (Senate version) was passed in the House without the appropriate committee filing a report.

SUBCOMMITTEE ON ENERGY AND POWER

Total bills referred to committee	310
Public Laws	11
Legislative hearings:	
Number of issues	21
Days of sitting	72
Sessions	112
Oversight Hearings:	
Number of issues	23
Days of sitting	38
Sessions	53
Legislative Markups:	
Number of issues	10
Days of sitting	21
Sessions	44

Legislation

EMERGENCY NATURAL GAS ACT OF 1977

PUBLIC LAW 95–2 (H.R. 2500) (S. 474)

> To authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high priority uses; to provide authority for short term emergency purchases of natural gas; and for other purposes.

Summary

Due to severe shortages of natural gas in certain localities during the winter of 1976–77, the Emergency Natural Gas Act of 1977 was enacted. The law authorized the President to declare regional or national natural gas emergencies and to then exercise emergency allocation and gas purchase authorities. Through April 30, 1977, the President could order gas shifted from surplus to shortage areas through whatever interstate or intrastate pipelines that were necessary. Through July 31, 1977, the President could authorize any interstate pipeline or local distribution company served by an interstate pipeline to buy gas wherever it was available and without regard to price regulations of the Federal Power Commission.

A $25,000 fine for each violation was the maximum penalty for individuals who violated orders concerning emergency delivery, transportation, and construction and operation facility provisions of the Act, unless the violation was found willful where the fine was $50,000 per violation. Each day of violation constituted a separate violation.

Legislative history

On January 27, 1977, H.R. 2500 was referred to the Ad Hoc Subcommittee on Energy and Power. (The Ad Hoc Subcommittee was appointed by Chairman Staggers prior to committee's organization for 95th Congress.) On January 28, 1977, hearings were held. On January 31, 1977, the bill was reported to the full Committee which then reported it to the House with amendments.

On February 1, 1977, S. 474 was called up by the House in lieu of H.R. 2500 under a motion to suspend the rules. S. 474 passed the House with amendments. The House insisted upon its amendments, requested a conference and appointed conferees. The Senate agreed to the conference and appointed conferees. Conference was held. The next day, February 2, 1977, the conference report was filed in the

House (H. Rept. 95–7). Both the Senate and the House agreed to the conference report. On the same day, February 2, 1977, the bill was approved and became Public Law 95–2.

The Federal Energy Administration Authorization Act of 1977

PUBLIC LAW 95–70 (H.R. 6794) (S. 1468)

To amend the Federal Energy Administration Act of 1974; to extend the duration of expiring authorities under the Act; to authorize appropriations for the FEA programs for fiscal year 1977 (supplemental) and fiscal year 1978; and to establish certain controls over the activities of the FEA.

Summary

Public Law 94–70 extends the term of the Federal Energy Administration Act, currently due to expire on December 31, 1977, to September 30, 1978. It also amends section 2(f) of the Energy Supply and Environmental Coordination Act of 1974, extending its term from June 30, 1977, to December 31, 1978. In addition, it provides authorizations for Federal Energy Administration programs for the fiscal year 1978. It adds provisions limiting the powers of the regional counsels of the FEA. It establishes general procedures to be followed with respect to the use of commercial standards by the FEA. It adds an organizational conflict of interest provision requiring disclosure of potential conflicts by FEA subcontractors.

Finally, the bill authorizes appropriations for the accelerated buildup of the Strategic Petroleum Reserve (see Energy Action No. 12).

Legislative History

H.R. 6229 and H.R. 6241 were considered by the subcommittee during April 1977. Subcommittee markup was held on April 28, 1977, and the bill was ordered reported to the full Committee in the form of a clean bill (H.R. 6794) on April 28, 1977. H.R. 6794 was ordered reported from the full Committee on May 16, 1977 (Rept. 95–323). It passed the House and was then tabled under a suspension of the rules on June 6, 1977. The House then passed S. 1468 as amended in lieu of H.R. 6794 on June 6, 1977. The Senate agreed to the House amendments with an amendment on June 8, 1977. The House agreed to the Senate amendment on June 30, 1977. S. 1468 was approved August 1, 1977 (Public Law 95–70).

Alaska Natural Gas Transportation System

PUBLIC LAW 95–158 (H.J. RES. 621) (S.J. RES. 82)

A joint resolution consenting to the Presidential decision to establish an Alaska natural gas transportation system.

Summary

This joint resolution granted Congressional consent to the Presidential decision, submitted to Congress on Septmeber 22, 1977, to proceed with an Alaska natural gas transportation system. Further, the resolution found that any environmental impact statements prepared relative to such system and submitted with the President's decision are in compliance with the National Environmental Policy Act of 1969.

Legislative history

House Joint Resolution (H.J. Res.) 621 was introduced on October 12, 1977. On October 13, 1977, the resolution was referred to the Subcommittee on Energy and Power. On October 14, 1977, public hearings were held jointly with the Subcommittee on Indian Affairs and Public Lands of the Committee on Interior and Insular Affairs. On October 14, 1977, the Subcommittee held a markup session and the resolution was reported to the full Committee. On October 18, 1977, full Committee markup was held and the resolution was ordered favorably reported to the House. It was reported to the House on October 26, 1977 (H. Rept. 95–739, Part II). On November 1, 1977, it was considered by the House and it was passed by the House and the Senate on the following day. On November 8, 1977, it was approved by the President and became Public Law 95–158.

URANIUM RADIATION REMEDIAL ACTION PROGRAM TO PROTECT PUBLIC HEALTH

PUBLIC LAW 95–236 (S. 266)

To amend Public Law 92–314 to authorize appropriations for financial assistance to limit radiation exposure to the public from uranium mill tailings used in construction, and for other purposes.

Summary

In the early 1970's, investigations revealed a potential health hazard caused by the wide-spread use of sand derived from uranium mill tailings for the construction of buildings in the Grand Junction, Colorado, area. In response to the potential entry of hazardous radon decay gases into the structures, Congress, in 1972, provided in Title II of Public Law 92–314 a program of financial assistance to Colorado to limit potential health hazards caused by the radiation exposure. Two methods to deal with the radiation problem were utilized. One meant demolishing portions of buildings to remove the tailings. The other method involved the application of a special sealant to seal out the hazardous gas. June 16, 1976 was the cutoff date for applications for remedial action. A recent investigation revealed, however, that early estimates of the number of structures needing remedial action were too small.

First, the legislation adds four years after June 16, 1976 for persons whose buildings were exposed to uranium mill tailings to file applications for remedial action.

Second, it provided that persons who carried out such remedial action directly rather than waiting for it be to performed by the State of Colorado or its contractors may be reimbursed for the cost.

Third, it permits those in the future to have the work done without advance approval of the State and the Secretary of Energy.

Fourth, a report is required on the program one year after enactment of the bill.

Fifth, it authorizes an additional $1.5 million in appropriations for fiscal year 1979.

Finally, it makes a number of technical amendments to Title II of Public Law 92–314.

Legislative History

The bill was ordered reported to the Senate by the Energy and Natural Resources Committee on March 29, 1977. It was passed by the Senate on April 4 (S. Report 95–72) and was referred jointly to the House Committees on Interstate and Foreign Commerce and on Interior and Insular Affairs on April 5. The Subcommittee on Energy and Power held hearings on April 29 and May 2, 1977. (Serial No. 95–69). On September 20, 1977 the Full Committee held a markup session and ordered the bill reported. The report was filed in the House on September 29, 1977. (H. Rept. 95–649, Pt. I). The House Interior Committee ordered the bill reported, as amended, on October 5; it was reported on October 17. (H. Rept. 95–649, Part II). S. 266 was amended and passed by the House under suspension of the rules on January 24, 1978. On February 7, 1978 the Senate agreed to the House amendments. The bill was approved on February 21, 1978 and become Public Law 95–236.

THE PETROLEUM MARKETING PRACTICES ACT

PUBLIC LAW 95-297 (H.R. 130)

The principal purpose of this legislation is to establish Federal standards governing the termination and nonrenewal franchise relationships in the marketing of motor fuels and to require the disclosure of the octane rating of automotive gasoline to consumers.

Summary

This bill contains three titles. Title I deals with franchise relationships in the marketing of motor fuels. Title II deals with the disclosure of the octane rating of automotive gasoline. Title III deals with a motor fuel marketing subsidization study to be completed by the Department of Energy.

Title I addresses itself to the disparity of bargaining power in franchise relationships within the petroleum industry. The legislation establishes protection for franchisees from arbitrary or discriminatory termination or nonrenewal of their franchises. The title limits the franchisor's freedom to terminate or refuse to renew a franchise. He now must comply with certain notice requirements and base his action to terminate or refuse to renew a franchise upon grounds specified within the legislation.

Title II attempts to assist motorists in the purchase of suitable and efficient gasoline for their motor vehicles by compelling accurate octane disclosure. The legislation first requires refiners to test the automotive gasoline and determine its octane rating. Secondly, suppliers and distributers must certify the octane rating of such gasoline. Finally, retailers are required to display the octane rating to consumers at the point of sale.

Title III directs the Secretary of Energy to conduct a study of the extent to which producers, refiners and other suppliers of motor fuel subsidize the sales of such motor fuel at retail or wholesale with profits obtained from other operations. This title requires that the study be completed and a report, including any appropriate legislative recommendations indicated by the study, be submitted to the Congress within 18 months after enactment. The legislation also establishes procedures under which the President, with the approval of both the House and Senate, may develop interim measures to maintain the competitive viability of the marketing sector of the petroleum industry during Congressional consideration of those legislative recommendations. Appropriations to carry out these provisions are authorized.

Legislative history

Mr. Dingell introduced H.R. 130 on January 4, 1977. The Subcommittee on Energy and Power held hearings on February 22 and 23, 1977. Subcommittee markup was held on March 2, 7 and 9, 1977. The bill as amended was reported to the full committee on March 9, 1977. Full committee markup was held on March 29, 1977. The bill was amended and ordered favorably reported to the House on the same day. On April 5, 1977 it was reported to the House (H. Report 95-161). On April 5, 1977 H.R. 130 was passed by the House under suspension of the rules by a recorded vote of 404 ayes to 3 noes. On April 7, 1977, H.R. 130 was referred to the Senate Committee on Energy and Natural Resources. On April 10, 1978, the bill was reported to the Senate (S. Report 95-731). On May 9, 1978, having added title III, the Senate passed the bill by a recorded vote of 95 ayes to 0 noes. By unanimous consent, the House agreed to the Senate amendment on June 6, 1978. The bill was approved on June 19, 1978, becoming Public Law 95-297.

Nuclear Regulatory Commission Authorizations for Fiscal Year 1979

PUBLIC LAW 95-601 (H.R. 12355) (S. 2584)

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

Summary

The legislation as enacted authorizes a total of $333,007,000 for NRC for fiscal year 1979. Major provisions adopted include the following:

Requires the NRC to prepare an annual report assessing the adequacy of safeguards at facilities regulated by the NRC;

Designates $285,000 for the Office of Nuclear Materials and Safeguards that will help to assure that NRC is able to fulfill its nuclear export safeguarding responsibilities;

Designates $1,152,000 for activities relating to the resolution of unresolved safety issues;

Designates $650,000 for preliminary studies of the hazards of low-level radiation;

Designates $1 million for studies and evaluations of alternative fuel cycles.

Conflict of interest provisions pertaining to the Commission's contracting activities;

Requires more careful scrutiny of proposed activities involving contracts for the study of domestic safeguards matters.

Requires NRC to prepare a report concerning ways in which States might participate in the siting, licensing, and development of nuclear waste storage or disposal facilities;

Requires the NRC to review the process for selecting and training Atomic Safety and Licensing members; and

Requires that the office directors keep the Executive Director for Operations fully informed of their communications with the commission.

Legislative history

H.R. 12355 was introduced on April 25, 1978 and sequentially referred from the Interior and Insular Affairs Committee on April 27, 1978 to the Commerce Committee for a period not later than May 15, 1978.

The Subcommittee held 2 days of hearings on February 14 and 15, 1978 on the subject of NRC authorizations in anticipation of a sequential referral upon introduction of the legislation (printing in progress). On May 3, 1978, an amended version of H.R. 12355 was reported by the Subcommittee. Full Committee markup was held on May 10 and 11 and ordered reported to the House amended. On May 15, 1978 the report was filed in the House (H. Report 95–1089, Part II.)

On October 4, 1978 the House suspended the rules and passed the bill. Proceedings were vacated and laid on the table. S. 2584, as amended, passed in lieu on the same date.

(S. 2584 was reported on May 15, 1978 from the Senate Environment and Public Works Committee, S. Report 95–848. Passed the Senate on September 18, 1978.).

On October 10 the Senate asked for a conference. Conference reported was filed in the House on October 14, 1978 (H. Report 95–1796). The conference report was agreed to in the House on October 14 and in the Senate on October 15, 1978. The legislation was approved on November 6, 1978 becoming Public Law 95–601.

URANIUM MILL TAILINGS RADIATION CONTROL ACT OF 1978

PUBLIC LAW 95–604 (H.R. 13650) (S. 3078) (H.R. 12335)

To authorize the Secretary of Energy to enter into cooperative agreements with certain States respecting residual radioactive material at existing sites, to provide for the regulation of uranium mill tailings under the Atomic Energy Act of 1954, and for other purposes.

Summary

Title I of the Act authorizes a program of remedial action at inactive mill tailings sites located in several States. The Department of Energy will pay 90 percent of the remedial action costs and the States 10 percent. In the case of Indian lands, the DOE will pay 100 percent of the costs. The DOE must select sites on a priority basis from a health standpoint. Before any remedial action may be undertaken, the Environmental Protection Agency must promulgate standards. Title I of the Act requires annual authorization, and it terminates seven years after promulgation of standards.

Title II amends the Atomic Energy Act of 1954 to provide a program to regulate active mill tailings operations to insure that the sites are controlled and that prior to termination of the operations, provision is made for decommissioning and decontamination of the sites to protect public health and the environment. The program is administered by the Nuclear Regulatory Commission and the States.

Title III provides for a study of active sites to determine if remedial action is appropriate.

Legislative history

H R. 13650 was introduced on July 28, 1978 and referred jointly to the Committee on Interior and Insular Affairs and the Committee on

Interstate and Foreign Commerce. The Subcommittee held three days of hearings on the subject of tailings control at both inactive and active mills. These hearings were held on June 19 and 20, 1978 and on August 2, 1978. (printing in progress). On August 10, 1978 the Subcommittee met in markup session and ordered H.R. 13650 reported to the Full Committee, with amendments. On September 26, 1978 the Full Committee considered the bill and ordered it reported to the House, with amendments. The report was filed on September 30, 1978 (H. Report 95–1480, Pt. 2). (The Interior Committee filed its report on August 11, 1978. H. Report 95–1480, Pt. I).

On October 3, 1978 the House suspended the rules and passed the Commerce committee's version of the legislation. On the same day, the Senate Energy and Natural Resources Committee filed a report on S. 3078 (S. Report 95–1266).

The Senate passed H.R. 13650, with amendments, on October 13, 1978. On October 14 the House agreed to the Senate amendment with amendments. The Senate agreed to the House amendments on October 15, 1978 which cleared the legislation for the President. On November 8, 1978 the bill was approved and became Public Law 95–604.

The National Energy Act

PUBLIC LAWS 95–617, 95–619, 95–620 AND 95–621, (H.R. 6831) (H.R. 8444) (H.R. 5263) (H.R. 5037) (H.R. 5146) (H.R. 5289) (H. RES. 1349) (H. CON. RES. 759)

The National Energy Act was announced in a television message delivered by the President on April 20, 1977. On the next day, the House created the Ad Hoc Committee on Energy (H. Res. 508). The bill, H.R. 6831, was introduced in the House by Mr. Wright on May 2, 1977. The purpose of the bill is to establish a comprehensive national energy policy. The bill was divided and initially referred for a period ending not later than July 13, 1977, as follows: sections 101 through 109 and sections 201 through 603 to the Committee on Interstate and Foreign Commerce; sections 110 through 131 and, concurrently with the Committee on Interstate and Foreign Commerce, those portions of subpart 1 of part A of title I relating to financial assistance to residential customers defined in section 101, to the Committee on Banking, Finance and Urban Affairs; section 701 to the Committee on Government Operations; section 721 through 746 to the Committee on Public Works and Transportation; title II to the Committee on Ways and Means; and sections 2 through 4 concurrently to all of the above Committees.

The Subcommittee on Energy and Power received the bill on May 3, 1977 and began hearings six days later. A total of 16 days of hearings and 32 sessions followed. (Ser. Nos. 95–22, 23, 24, 25, and 26). On the day following the last hearing session, markup sessions began. Due to the extent of the material and its complexity, markups continued for 17 consecutive days, in 30 additional sessions. The Subcommittee markup session ended on June 27, 1977 when the bill was ordered reported to the full committee for its consideration. Following 6 days of full committee markups, the bill was ordered reported (H. Rept. 95–496, Part 4) to the House on July 19, 1977. The bill was then referred to the Ad Hoc Committee on Energy for additional consideration of all portions of the bill, as ordered reported by the Committees to which sections of the bill had been originally referred. A clean bill, H.R. 8444, was introduced by Mr. Ashley on July 20, 1977. Additional markup sessions were held on July 20, 21 and 22 by the Ad Hoc Committee, which ordered the bill reported, as amended, to the House on July 27. The bill was passed by the House on August 5, 1977 by a vote of 244 to 177. Senate action on this legislation occurred in the form of amendments to five private bills (H.R. 4018) (H.R. 5263) (H.R. 5037) (H.R. 5146) (H.R. 5289) which deal with the various issues addressed by the bill: public utility regulatory policy, energy taxes, conservation, coal conversion and natural gas policy.

Conferees began consideration of the four non-tax bills on October 19, 1977. By December 1, 1977, tentative agreements in principle had been reached on the conservation, coal conversion, and utilities bills. Deliberation on the natural gas bill began on December 2, 1977, and continued until the conference agreement was signed in August of 1978.

On October 13, 1978 the House passed H. Res. 1379 by a vote of 207 to 206. This rule provided for consideration en bloc of the following five conference reports:

Public Utility Regulatory Policies Act (P.L. 95-617, H.R. 4018, H. Rept. 95-1750, S. Rept. 95-1292).—On October 6, 1978, the conference report to accompany H.R. 4018 was filed in the Senate and was considered by the Senate on October 7 and 9, 1978. The conference report was agreed to by the Senate on October 9, 1978. On October 10, 1978, the conference report on the legislation was filed in the House and agreed to by the House on October 15, 1978. The bill requires States to consider certain Federal energy efficiency guidelines in ratemaking for public utilities, authorizes the interconnection of energy facilities, and authorizes a three-year program for development of small hydroelectric power projects.

Energy Tax Act of 1978 (P.L. 95-618, H.R. 5263, H. Rept. 95-1773, S. Rept. 95-1324).—On October 3 and 4, 1978, House and Senate conferees on the National Energy Act met to resolve the remaining differences in the energy tax provisions of the proposal. The conference report to accompany H.R. 5263 was filed in the Senate on October 11, 1978, and in the House on October 12, 1978. The Senate and House agreed to the conference report on October 15, 1978. The legislation offers a 15-percent tax credit (up to $300) for home conservation and 30 percent (up to $2,200) for solar, wind and geothermal equipment; an additional 10 percent investment tax credit for alternative energy property, shale oil and geopressurized natural gas; intangible drilling expenses deductions and depletion allowance for geothermal resources; depletion allowances for certain geopressurized natural gas and clarification of oil and gas intangible drilling costs. H.R. 5263 also levies a gas guzzler tax beginning with 1980 model cars.

National Energy Conservation Policy Act (P.L. 95-619, H.R. 5037, H. Rept. 95-1751, S. Rept. 95-1294).—On October 6, 1978, the conference report to accompany H.R. 5037 was filed in the Senate and was considered by the Senate on October 7 and 9, 1978. The conference report was agreed to by the Senate on October 9, 1978. On October 10, 1978, the conference report on the legislation was filed in the House and agreed to by the House on October 15, 1978. The measure establishes a residential energy conservation program to be managed by public utilities, authorizes funds for various weatherization programs, provides a two-year authorization for energy audits in public buildings, and provides a three-year authorization to aid schools and hospitals in energy conservation endeavors. The law doubles civil penalties for failure to meet automobile fleet efficiency standards, requires the setting of major appliance standards and provides a three-year authorization for Federal solar, photovoltaic and conservation programs.

Powerplant and Industrial Fuel Use Act (P.L. 95-620, H.R. 5146, H. Rept. 95-1749, S. Rept. 95-988).—On October 10, 1978, the conference report to accompany H.R. 5146 was filed in the House (the conference report was filed in the Senate on July 14, 1978, and was agreed to by the Senate on July 18, 1978). On October 15, 1978, the House agreed to the conference report. The law phases out the use of oil and gas as a boiler fuel in electric powerplants and major fuel burning installations and for decorative outdoor lighting, subject to environmental requirements.

Natural Gas Policy Act of 1978 (P.L. 95-621, H.R. 5289, H. Rept. 95-1752, S. Rept. 95-1126).—On October 10, 1978, the conference report to accompany H.R. 5289 was filed in the House (the conference report was filed in the Senate on August 18, 1978 and agreed to by the Senate on September 27). After considerable debate, the House agreed to the conference report on October 15, 1978. This law seeks to encourage natural gas production by deregulating the price of natural gas in stages by January 1, 1985, except for a one-time possible reimposition of controls for a limited period. The measure provides an incremental pricing mechanism which would allocate most of the price increases to industrial users and, after the cost of gas to industrial users equals that of alternative fuels, to residential users. The law eliminates the distinction between interstate and intrastate markets and redefines the term "new gas".

(H. Con. Res. 759 was introduced on October 15, 1978 to make technical corrections in the enrollment of H.R. 5289, the Natural Gas Policy Act. The measure passed the House on October 15, 1978 but did not receive Senate consideration.)

After almost 20 months of consideration by the 95th Congress, the National Energy Act passed the House on October 15, 1978 by a vote of 231 to 168. On November 9, 1978, during a ceremony at the White House, the President signed the five conference reports into law.

FUELS TRANSPORTATION SAFETY AMENDMENTS ACT OF 1978

(H.R. 11622) (S. 1895) (H.R. 6844)

Summary

The bill contains three titles. Title I authorizes appropriations for the fiscal year 1979 for the Department of Transportation's pipeline safety activities and for grants-in-aid to Federally certified State pipeline safety programs. It expands and strengthens the authority of the Secretary to gather information with respect to the safety and operation of pipelines and related facilities and to require the correction of hazardous conditions. It subjects the transportation and storage of liquid petroleum gas to the civil procedures authorized under the Natural Gas Pipeline Safety Act of 1978.

Title II directs the Secretary of Transportation to establish and enforce standards with respect to the siting, construction and operation of liquefied natural gas (LNG) facilities and to conduct a study of the risks associated with the production, transmission and storage of

LNG and of the methods of assuring the financial responsibility of those engaged in such activities. The Secretary may require persons engaged in LNG activities to maintain financial responsibility commensurate with the nature and extent of the risks inherent in their activities.

Title III makes it a Federal crime to willfully destroy interstate pipelines, such as the TransAlaska Oil Pipeline, or LNG facilities. Clarifying modifications were made in the section authorizing Citizens' Civil Actions.

Legislative history

The Subcommittee began hearings on the subject of siting, design and operation of facilities used in the transportation, storage and conversion of liquefied natural gas (LNG). Hearings were held on February 20, 21 and 22, March 20, 21 and 22. April 7, 13 and 14, 1978. (Serial No. 95–141).

On May 3, 1978 the subcommittee met and favorably reported H.R. 11622, as amended, to the full committee. On May 10, 1978 the Committee ordered the amended legislation reported to the House. House Report 95–1167, Part I was filed on May 15, 1978. A supplemental report was filed on May 31. (H. Report 95–1167, Part 2)

Meanwhile, on April 27, 1978 the Senate Commerce Committee filed a report on S. 1895 (S. Report 95–768). This bill passed the Senate on May 3, 1978 and was referred to the House Commerce Committee on May 4.

On September 12, 1978, H.R. 11622 passed the House by voice vote. S. 1895 was passed in lieu after being amended to contain the language of the House-passed bill. On September 29, 1978 the Senate disagreed with the House version and insisted upon its own language with an amendment providing criminal penalties for the sabotage of interstate pipeline facilities.

DEPARTMENT OF ENERGY AUTHORIZATION

(H.R. 12163) (S. 2693) (H. RES. 1261)

Summary

Included in this bill are provisions related to programs of concern to several committees. Working jointly with the Committee on Science and Technology and the Committee on Interior and Insular Affairs, a substitute bill was proposed authorizing appropriations for several Department of Energy programs. These included funds for nuclear, fossil and solar energy and energy conservation.

Legislative history

H.R. 12163 was introduced on April 17, 1978 by Mr. Teague. On April 24, 1978 the bill was sequentially referred from the Science and Technology Committee to both the Interior and Insular affairs Committee and the Interstate and Foreign Commerce Committee for a period ending not later than May 15, 1978.

The Subcommittee held a hearing on April 25, 1978 to analyze the differences between the Science Committee bill (H.R. 12163) and the Commerce bill (H.R. 11392) (printing in progress).

On May 9, 1978 the subcommittee, by voice vote, forwarded H.R. 12163 as amended to the Full Committee. Full Committee markup was held on May 15, 1978 when H.R. 12163, amended, was ordered reported to the House by voice vote. On May 19, H. Report 95–1078, Part III was filed in the House. On July 14 the House began general debate. By a vote of 325 to 67, on July 17 the House passed H.R. 12163 in the form of the Teague substitute which include provisions developed by all three Committees. In the Senate, the bill was ordered placed on the calendar July 19, 1978.

DEPARTMENT OF ENERGY CIVILIAN PROGRAMS AUTHORIZATION ACT FOR FISCAL YEAR 1979

(H.R. 11392) (S. 2692) (H. RES. 1264)

Summary

This bill is divided into eight titles relative to many programs of the Department of Energy. Funds are authorized for such component agencies as the Federal Energy Regulatory Commission, the power marketing agencies, and for nearly all personnel and management activities of the DOE. In addition, funds are also provided for nuclear waste management, solar and fossil energy, and energy conservation. Also a number organizational provisions are included.

This bill also authorized a study and a program to identify and select sites for away-from-reactor storage of spent fuel. A study of charges for enrichment services provided by the DOE is also included.

Legislative History

On March 8, 1978, Mr. Staggers and Mr. Udall introduced H.R. 11392 which was divided and referred as follows:

Titles I and II, to the Committee on Interstate and Foreign Commerce; title III, to the Committee on Interior and Insular Affairs; title IV, concurrently to the Committee on Interior and Insular Affairs and the Committee on Interstate and Foreign Commerce; title V, concurrently to the Committee on Interior and Insular Affairs, the Committee on Interstate and Foreign Commerce, and the Committee on Science and Technology; title VI, concurrently to the Committee on Interstate and Foreign Commerce and the Committee on Science and Technology; titles VII and VIII, concurrently to the Committee on Interior and Insular Affairs, the Committee on International Relations, the Committee on Interstate and Foreign Commerce, and the Committee on Science and Technology; and title VIII, additionally to the Committee on Armed Services.

The Subcommittee held 14 days of hearings on DOE authorizations on February 16, 17, 23 and on March 2, 6, 7, 8, 9, 10, 13, 14, 15, and 16, 1978. On April 17, the Subcommittee held a hearing on Uranuim enrichment services sections of H.R. 11392.

Markup sessions were held by the Subcommittee on April 19, 26, 27 and on May 9, 1978, the Subcommittee ordered H.R. 11392, as amended, reported to the Full Committee. On May 11 the Full Committee began to markup the bill and on May 15 H.R. 11392 was ordered reported to the House, amended. The report was filed on May 19, 1978 (H. Report 95–1166, Part II). The Interior Committee reported their version on May 15, 1978 (H. Report 95–1166, Pt. 1) and on June 9, 1978 the Science committee filed an adverse report (H. Report 95–1166, Part III). The Rules Committee then granted a rule making the Staggers substitute in order which included provisions developed by all three Committees.

NERGY ACTIONS—PROPOSALS PURSUANT TO SECTION 12 OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973

ENERGY ACTION NO. 10

Energy Action No. 10 is a plan submitted under the Ford Adminis-
ation and resubmitted under the Carter Administration by the Ad-
inistrator of the Federal Energy Administration for implementing
e Strategic Petroleum Reserve. The Strategic Petroleum Reserve is
provision of the Energy Policy and Conservation Act (Public Law
–163) which atuhorizes the creation of a strategic reserve of up to
e billion barrels of crude oil and refined petroleum products. The
rpose of establishing the Reserve was not only to minimize the im-
ct of curtailed oil imports but also to deter their potential use as
litical weapons in the future. Some of the major features of the plan
low:

(1) The Reserve size will be 500 million barrels (MMB) by 1982, in accordance with the provisions of the EPCA.

(2) The Reserve will contain only crude oil, unless future estimates of refinery capacity available to the United States show a need to store refinery products.

(3) FEA will endeavor to develop the Reserve on a schedule essentially consistent with the requirements of the EPCA, with 150 MMB in storage by December 1978, 325 MMB by December 1980, and 500 by the end of 1982. The first 10 percent of the storage will not be in place by June 1977, which is a goal the EPCA states is to be met "to the maximum extent practicable." FEA has determined that this is not practicable, because of technical requirements, environmental hazards and high costs.

(4) It is estimated that the 500 MMB Reserve will cost between $7.5 and $8.0 billion to design, construct, fill, and maintain through 1982.

islative history

he strategic petroleum reserve plan was to become effective 45
s after transmission to Congress; that is, April 18, 1977, unless
pproved by either House. The Subcommittee on Energy and Power
hearings on February 16, 1977, and took no further action (printed
al No. 95–54). Energy action No. 10 took effect on April 18, 1977.
Doc. 95–12)

ENERGY ACTION NO. 11

nergy Action No. 11 (H. Doc. 95–100 and 95–115) recommended
continuation of a production incentive adjustment to the maximum
sale price of domestic crude oil. The proposal would allow a 10
ent maximum annual increase in the composite price of such do-
ic crude oil taking consideration of the inflation adjustment factor.
ction 8 of the Emergency Petroleum Allocation Act of 1973
lic Law 93–159, "EPAA"), as amended, established a crude oil
ng policy. Section 8(a) of the EPAA required the adoption of
ations limiting the first sale price of domestic crude oil. Adjust-
s to the maximum price were permitted by the Act and may take
account the impact of inflation and a production incentive. As
ded by the Energy Conservation and Production Act (Public

Law 94-385, "EPCA"), the combined effect of any adjustments are limited.

Section 8(f) of the EPAA provides that the President may submit on March 13, 1977, an amendment to continue the adjustment as a production incentive. The EPAA further provides that if no amendment to continue the adjustment as a production incentive takes effect pursuant to section 8(f), no such adjustment may thereafter be applied.

Legislative history

Energy Action No. 11 was submitted by the Federal Energy Administration on March 15, 1977. The Senate expressed reservations on the policy, asking the FEA to withdraw the action. This was declined, and a Senate resolution was introduced against the action (S. Res. 125) on March 24, 1977. On March 23, 1977, the House submitted a similar resolution (H. Res. 432) in opposition to the energy action. A hearing was held on March 29, 1977, by the Subcommittee on Energy and Power (Serial No. 95-13) after which the House Resolution 432 was withdrawn. The President's requested action took effect on March 30, 1977.

ENERGY ACTION NO. 12

Energy Action No. 12 was an amendment to the Strategic Petroleum Reserve (SPR) plan (Energy Action No. 10). The amendment was entitled Acceleration of the Development Schedule, and it established targets of 250 million barrels (MMB) of oil in storage by the end of 1978 (rather than 150 MMB in Energy Action No. 10) and 500 MMB of oil by the end of 1980 (rather than 1982).

Legislative history

The plan for accelerated acquisition of oil for the SPR was introduced on May 26, 1977 (H. Doc. No. 95-165) as Energy Action No. 12. No hearings were held on this action. However, within the Federal Energy Administration Authorization Act of 1977 (H.R. 6794), there was approved an authorization of $500 million for SPR expenditure during fiscal year 1978 (H. Rept. 95-323). In the May 25 Energy Action No. 12 communication, the Administration requested that its authorization be raised to $1.210 billion to insure a continuous amount of funds, thus assuring the crude oil purchases needed to reach the target of 250 MMB of oil by the end of 1978. The Committee approved the request and amended the pending legislation accordingly.

On June 6, the bill was passed by the House. The Senate agreed to the increased SPR amount of June 8. On June 30, the House also approved the SPR increase. The bill was approved on July 21, 1977, becoming Public Law 95-70.

ENERGY ACTION NO. DOE-001

Energy Action No. DOE-001 (H. Doc. No. 95-316) proposed an amendment to the Strategic Reserve Plan (SPR) to provide for its expansion, pursuant to Section 159(d) of the Energy Policy and Conservation Act of 1975 (Public Law 94-163).

The proposed amendment, entitled "Expansion of the Strategic Petroleum Reserve" sought to expand the size of the SPR to one billion barrels in accordance with the President's National Energy

Plan recommendation, and to provide 20 million barrels of refined product storage for the East Coast.

Legislative history

On April 3, 1978 Energy Action No. DOE-001 was transmitted to the Congress. Under the provisions of Section 551 of EPCA, either House of Congress has 15 days in which to disapprove the energy action. If no action is taken within this time, the amendment is approved.

On April 10, 1978 the Subcommittee held a hearing on this amendment to the SPR (Serial No. 95-137). On April 17, 1978 the Senate adopted S. Res. 429, a disapproval resolution. The Senate's action thereby nullified the proposed amendment.

ENERGY ACTION NO. DOE-002

Energy Action No. DOE-002 (H. Doc. No. 95-339), an amendment to the Strategic Petroleum Reserve Plan entitled "Expansion of the Strategic Petroleum Reserve", sought to expand the size of the SPR from a total of 500 million barrels to one billion barrels of oil in storage by 1985. It also provides an implementation plan for the third 250 million barrels.

This amendment differs from Energy Action No. DOE-001 in its omission of the 20 million barrels of refined product storage. This regional storage question was a primary cause of Congressional disapproval of the earlier amendment.

Legislative history

On May 19, 1978 the amendment was submitted to the Congress and referred to the Committee. Section 551 of the Energy Policy and Conservation Act of 1975 (EPCA) provides 15 days for Congressional review before such amendment is implemented. No action to disapprove was taken by either the House or the Senate and therefore the amendment became effective as provided in section 159(d) of EPCA.

SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

Total bills referred to Committee	1, 205
Public Laws	15

Legislation

Amending the Public Health Service Act

PUBLIC LAW 95-83 (H.R. 4974) (H.R. 4975) (H.R. 4976)

To amend the Public Health Service Act to extend through the fiscal year ending September 30, 1978, the assistance programs for health services research; health statistics; comprehensive public health services; hypertension programs; migrant health; community health centers; medical libraries; cancer control programs; the National Cancer Institute; heart, blood vessel, lung, and blood disease prevention and control programs; the National Heart, Lung, and Blood Institute; National Research Service Awards; population research and voluntary family planning programs; sudden infant death syndrome; hemophilia; national health planning and development; and health resources development; to amend the Community Mental Health Centers Act to extend it through the fiscal year ending September 30, 1978; to extend the assistance programs for home health services; and for other purposes.

Summary

(1) Public Law 95-83 extends the programs and authorizations of appropriations, for one year through FY 1978, under the National Cancer Act, the National Heart, Lung, and Blood Act, the National Research Service Awards Act, and title III of the Public Health Service Act for the support of the National Library of Medicine. In addition it makes minor substantive changes in existing law.

(2) It extends for one year with minor modification the legislative authorities for health planning and resources development programs authorized by titles XV and XVI of the Public Health Service Act, and for health services research and health statistics programs authorized by sections 304 through 308 of the PHS Act.

(3) Public Law 95-83 also extends the authorizations of appropriations for fiscal year 1978 at a level slightly higher than the 1977 appropriations of the legislative authorities for the following health service delivery programs: grants to the States for comprehensive health services, hypertension, migrant health centers, community health centers, family planning, sudden infant death syndrome, hemophilia treatment centers and the provision of home health services. In addition, it increases the authorization of appropriations level of title V of the Social Security Act (Maternal and Child Health and Crippled Children's Services) by 115 percent of the fiscal year 1977 appropriation and continue the authority for blood separation centers and training in the provision of home health services for fiscal year 1978.

(4) Finally, it makes minor revisions in the authorities for migrant health centers, community health centers, family planning research, community mental health centers, and hypertension programs; and contains a series of technical and minor substantive amendments to the Health Professions Educational Assistance Act of 1976, the Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended, the Drug Abuse Office and Treatment Act of 1972, as amended, the Nurse Training Act of 1975, the Indian Health Care Improvement Act, and the Social Security Amendments of 1972.

Legislative history

Hearings were held by the Subcommittee on Health and the Environment on Feburary 22, 23, and 24, 1977. (Serial No. 95-4). For information on hearings see Appendix 2. The Subcommittee considered the legislative proposals in open markup session and reported H.R. 4974, 4975, and 4976 to the full Committee on March 14, 1977. The full Committee ordered the bills reported, with amendments on March 17, 1977 (H. Reports 95-116, 95-117 and 95-118). Passed House March 31, 1977. H.R. 4975 passed Senate amended on May 4, 1977. Senate asked for a conference May 4, 1977. House agreed to Senate amendment with an amendment and asked for a conference on May 11, 1977. Senate agreed to a conference May 17, 1977. Conference report filed in the House July 14, 1977 (H. Report 95-500). Senate agreed to the conference report July 15, 1977. House agreed to conference report July 20, 1977. Approved August 1, 1977. Public Law 95-83.

CLEAN AIR ACT AMENDMENTS OF 1977

PUBLIC LAW 95–95 (H.R. 6161) (S. 252)

To amend the Clean Air Act, and for other purposes.

Summary

This legislation amended the Clean Air Act in the following ways, among others:

(1) Extended and relaxed emission standards for new passenger cars.

(2) Established standards and procedures for preventing significant deterioration of air quality and protecting visibility in clean air areas.

(3) Extended the deadline for attaining national air quality standards in nonattainment areas and permitted continued location of new pollution sources in those areas under specified circumstances.

(4) Clarified provisions for recognition of energy and economic factors in air pollution standard setting and granting variances.

(5) Established new rule-making procedures under the Clean Air Act.

(6) Required the regulation of certain unregulated pollutants and pollutant sources.

(7) Provided more effective surveillance and enforcement means for States and for the Administrator to assure compliance with applicable standards.

(8) Clarified that the use of intermittent controls and excessively tall stacks were unacceptable strategies under the Act.

(9) Provided incentives for the development of new and improved pollution control technologies.

Legislative history

Hearings were held by the Subcommittee on Health and the Environment on March 8–12, 1977 (printing in progress). On April 6, 1977, after six markup sessions, a clean bill, H.R. 6161, was reported to the Committee. H.R. 6161 was reported with amendments by voice vote on May 12, 1977. (H. Report 95–294). Passed House May 26, 1977. Passed Senate amended June 10, 1977. Senate asked for conference June 13, 1977. House agreed to a conference June 21, 1977. Conference report filed in the House on August 3, 1977 (H. Report 95–564). House agreed to conference report on August 4, 1977. Approved August 7, 1977. Public Law 95–95.

CONTROLLED SUBSTANCES ACT EXTENSION

PUBLIC LAW 95–137 (H.R. 5742)

To amend the Controlled Substances Act to extend for two fiscal years the authorization of appropriations under that Act for the expenses of the Department of Justice in carrying out that Act.

Summary

This legislation extends the authorizations of appropriations for 2 years through fiscal year 1979, under section 709 of the Controlled Substances Act (12 U.S.C. 904), for the expenses of the Department of

Justice in carrying out its drug abuse law enforcement and regulatory responsibilities under that Act. It provides a total authorization of $403 million for 2 fiscal years—$188 million for fiscal year 1978 and $215 million for fiscal year 1979. In addition, the legislation repeals the $6 million annual authorization under section 103 of the Controlled Substances Act and merges it into section 709 of that Act.

Legislative history

On March 29, 1977, H.R. 5742 was introduced. One day of hearings was held on the bill on April 27, 1977 (Serial No. 95–30). The bill was subsequently considered in open executive session by the Subcommittee on Health and the Environment and ordered reported, without amendment, by unanimous voice vote on April 28, 1977. It was considered by the full Committee on Interstate and Foreign Commerce on May 5, 1977, and ordered reported by unanimous voice vote. It was considered and passed by the House on May 17, 1977. It was considered and passed by the Senate with an amendment on September 29, 1977. The House concurred in the Senate amendment to the bill on October 4, 1977. It was approved by the President on October 18, 1977. Public Law 95–137.

MEDICAID-MEDICARE ANTIFRAUD AND ABUSE AMENDMENTS

(CONSIDERED JOINTLY WITH THE WAYS AND MEANS COMMITTEE)

PUBLIC LAW 95–142 (H.R. 3)

To strengthen the capability of the Government to detect, prosecute and punish fraudulent activities under the Medicare and Medicaid programs, and for other purposes.

Summary

The legislation contains provisions focused on five major areas:

(1) *Program penalty sanctions.*—The legislation modified the penalty provisions relating to persons providing services under Medicare and Medicaid. Most fraudulent acts previously classified as misdemeanors become felonies. Penalties are increased to a maximum $25,000 fine, up to five years imprisonment, or both. The types of financial arrangements and conduct to be classified as illegal have been clarified. In addition, States are now permitted to suspend the eligibility of Medicaid recipients convicted of defrauding the program.

The Secretary of Health, Education, and Welfare is required to suspend individual practitioners from Medicare and Medicaid who have been convicted of a criminal offense relating to the programs, and to notify the appropriate State licensing authority.

(2) *Increased Disclosure of Information.*—The legislation requires disclosure of ownership by persons who have a 5 percent interest in a hospital, long-term care facility, home health agency, clinical laboratory, renal disease facility, other entities providing services under Medicare, Medicaid or the maternal and child health program, intermediaries and fiscal agents. Providers must also provide information to the Secretary of HEW at his request on any significant business transactions with subcontractors or wholly-owned suppliers. All institutional providers of service must disclose the name of any owner, officer or other similar person who has been convicted of fraud in the programs; the Secretary may deny such a provider the right to be paid by Medicare or Medicaid.

The Comptroller General of the United States is given power to sign and issue subpenas in order to obtain necessary information and facilitate review of Social Security Act health programs.

(3) *Improvements in Professional Standards Review.*—The legislation provides for the termination of duplicative review activities when the Secretary determines that a PSRO is competent to perform its review responsibilities, and for the PSRO determination with respect to the necessity and appropriateness of care to be conclusive. The role of the State in the process of establishing and evaluating PSRO review of services provided through the medicaid program is increased and made more specific.

The time for conditional designation of a PSRO is extended to 48 months, with authority for the Secretary to extend the period for an additional 24 months, where warranted by unusual circumstances. PSRO's must assume review responsibilities for institutional services during this period.

Where the Secretary finds a PSRO is capable of undertaking ambulatory care review he must require it to undertake such review no later than 2 years after it becomes fully operational. Priority is given to requests by PSRO's to review services in "shared health facilities."

The PSRO is allowed to disclose evidence of fraud to designated Federal and State law enforcement agencies, and to disclose aggregate statistical data to Federal and State health planning agencies.

(4) *Administration Reform.*—The legislation provides increased Federal matching funds to encourage each State to establish an office separate from the medicaid program agency to prepare and prosecute cases of suspected fraud and abuse in the program. Federal funds will pay 90 percent of the costs until October 1, 1980.

The legislation also requires States to make provision in their State medicaid plan for claims payment procedures which insure that 90 percent of the bills submitted by eligible noninstitutionally based providers will be reimbursed within 30 days, and 99 percent within 60 days.

The legislation also authorizes the Secretary of HEW to establish for each of the different types of health services institutions a uniform system for the reporting of such items as cost of operation, volume of services, rates, capital, assets, and bill data. This reporting system would be mandated for use by medicare and medicaid providers and such use would be phased in by the type of provider.

The legislation requires that long-term care facilities must set up a system to protect and account for patient funds, as a condition of participation in medicaid and medicare.

(5) *Change in Medicaid Utilizational Review Requirements and Penalty.*—States which had been notified of a reduction in Federal matching funds because they had not complied with the requirements of the law were given relief from those penalties: a) reductions for calendar quarters prior to 1977 were waived unconditionally, b) penalties for quarters beginning January 1, 1977, were adjusted to reflect only the extent of noncompliance (proportion of medicaid patients in unreviewed facilities to all medicaid patients), and were to be waived entirely if the State was in compliance by December 31, 1977.

Legislative history

Joint hearings were held by the Health Subcommittees of the Interstate and Foreign Commerce Committee and the Ways and Means Committee on March 3 and 7 on H.R. 3. The bill was subsequently considered in open executive sessions by the Subcommittee on Health and the Environment, amended, and reported on April 28, 1977. The Subcommittee convened to reconsider the bill after the Ways and Means Committee had completed action, adopted additional amendments, and reported H.R. 3 with amendments on June 13, 1977. H.R. 3 was considered by the Interstate and Foreign Commerce Committee, and ordered reported by voice vote, on June 28, 1977.

The legislation passed the House by yea-and-nay vote on September 23, 1977. The Senate substituted language of S. 143 for the House version of H.R. 3, and passed H.R. 3 by voice vote on September 30, 1977. The Senate requested a conference (September 30), the House agreed and appointed conferees (October 4), the Conference report was filed, H. Rept. No. 95–673 (October 11), and the conference report was adopted in both the House and Senate on October 13. On October 25, P.L. 95–142 was approved.

SAFE DRINKING WATER AMENDMENTS OF 1977

PUBLIC LAW 95–190 (H.R. 6827) (S. 1528)

To amend the Public Health Service Act to extend certain authorities and authorize appropriations for certain fiscal years for purposes of providing assistance to States with respect to safe drinking water.

Summary

The 1977 Amendments provide for continuing, increasing assistance to State drinking water supervision programs. The legislation also permits more time for States to achieve primary enforcement responsibility for public drinking water systems. The law extends authorizations of appropriations for two additional fiscal years (fiscal year 1978 and fiscal year 1979). It requires free training of certain drinking water personnel and mandates compliance with safe drinking water requirements by Federal facilities. The law also provides for certain additional studies, including studies on the costs (and methods for paying the costs) of compliance with safe drinking water rules. Finally, the law also contains certain technical and conforming amendments to the Clean Air Act.

Legislative history

Hearings were held before the Subcommittee on Health and the Environment on April 22, 1977. (Serial No. 95–9). The Subcommittee met in open markup session on April 25, 1977, and by voice vote ordered a clean bill (H.R. 6827). H.R. 6827 was favorably reported by the Committee on May 16, 1977. (H. Report 95–338). Passed House under suspension of the rules on July 12, 1977. Proceedings vacated. Laid on table July 12, 1977. S. 1528, as amended, passed in lieu July 12, 1977. Senate agreed to House amendments with amendments August 5, 1977. Senate requested return October 27, 1977. Requested return rescinded October 31, 1977. House agreed to Senate amendment No. 2 on November 1, 1977 and to Nos. 1 and 3 with amendments on November 1, 1977. Senate agreed to House amendments to Senate amendments Nos. 1 and 3 on November 1, 1977. Approved November 16, 1977. Public Law 95-190.

SACCHARIN STUDY AND LABELING ACT

PUBLIC LAW 95-203 (H.R. 8518) (S. 1750)

An Act to require studies concerning carcinogenic and other toxic substances in food, the regulation of such food, the impurities in and toxicity of saccharin, and the health benefits, if any, resulting from the use of nonnutritive sweeteners; to prohibit for eighteen months the Secretary of Health, Education, and Welfare from taking certain action restricting the continued use of saccharin as a food, drug, and cosmetic; to require certain labels and notices for foods containing saccharin; and other purposes.

Summary

The principal provisions of Public Law 95-203 are as follows:

(1) It provides for an 18-month moratorium on action by the Food and Drug Administration to restrict the use or sale of saccharin and saccharin products.

(2) It provides for studies to be conducted by the National Academy of Sciences with regard to current information on saccharin, toxic and carcinogenic substances in foods in general, and the health benefits, if any, resulting from the use of nonnutritive sweeteners including saccharin.

(3) It amends the Federal Food, Drug, and Cosmetic Act to require that food products containing saccharin bear the following label: "Use of this product may be hazardous to your health. This product contains saccharin which has been determined to cause cancer in laboratory animals," and which further provides that any product, which 90 days after enactment, is introduced into interstate commerce, and which does not bear the label notice in the manner prescribed by the Secretary of Health, Education, and Welfare would be deemed misbranded under the terms of the Federal Food, Drug, and Cosmetic Act.

(4) It further amends the Federal Food, Drug, and Cosmetic Act to require that retail establishments which offer food products containing saccharin for sale for consumption off their premises display notices conveying the same information required on the product label.

(5) It authorizes, but does not require, the Secretary of Health, Education, and Welfare to require vending machines through which food products containing saccharin are sold to bear a statement of the risks to health which may be presented by saccharin. If the Secretary so requires, any such food which does not bear such statement would be deemed misbranded for the purposes of the Federal Food, Drug, and Cosmetic Act.

(6) It further requires the Secretary of Health, Education, and Welfare to prepare information respecting the nature of the controversy surrounding the use of food containing saccharin and provide for the distribution of such information for display by retail establishments where such food is sold for consumption off the premises.

Legislative history

On March 9, 1977, the Food and Drug Administration announced that it intended to initiate proceedings under the Federal Food, Drug, and Cosmetic Act to ban the use of saccharin and its salts in all food products sold in the United States. Oversight hearings on the FDA proposal were conducted by the Subcommittee on Health and the Environment on March 21, and 22 1977. (Serial No. 95–8). On April 15, the Food and Drug Administration published in the Federal Register its proposal to revoke the interim food additive regulation under which saccharin and its salts and currently permitted as ingredients in prepackaged foods and as tabletop nonnutritive sweeteners (42 F.R. 19996). The notice also proposed to ban the use of saccharin in cosmetics, animal drugs and animal feeds and solicited new drug applications to enable saccharin to be marketed as a single ingredient over-the-counter drug.

On June 13, 1977, H.R. 7753 was introduced. Legislative hearings on H.R. 7753 and all similar or identical bills were held by the Subcommittee on June 27, 1977. (Serial No. 95–27). The Subcommittee subsequently met in open executive session and ordered reported an amended version of H.R. 7753, which was reintroduced on July 25, 1977 as H.R. 8518 and referred to the Committee on Interstate and Foreign Commerce for its consideration.

H.R. 8518 was considered by the Committee on September 20, 1977 amended, and reported on October 3, 1977 (H. Report 95–658).

Passed House October 17, 1977 under suspension of the rules. Proceedings vacated. Laid on table October 17, 1977 and S. 1750, as amended, passed in lieu. Senate asked for a conference October 25, 1977. House agreed to a conference October 27, 1977. Conference report filed in the House November 3, 1977. Senate agreed to conference report November 4, 1977. Approved November 23, 1977. Public Law 95–203.

Rural Health Clinic Services

PUBLIC LAW 95–210 (H.R. 8422)

To amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, and for other purposes.

Summary

The legislation authorizes medicare reimbursement for rural health clinic services at 80 percent of the costs which are reasonable and related to the costs of furnishing services. The services covered include (1) the services furnished by the physician and by a nurse practitioner or physician assistant who provides services in accordance with state law, and (2) in areas with a shortage of home health agencies, nursing services furnished by an RN or LPN.

The clinic must meet standards which will insure that quality services are provided. The reimbursement is limited to clinics which are located in a rural area which is designated as medically underserved or a health manpower shortage area. If the clinic's area loses its designation but the clinic continues to qualify under all other standards, the clinic will remain certified.

The terms "physician assistant" and "nurse practitioner" are defined as "a physician assistant or nurse practitioner who performs such services as such individual is legally authorized to perform (in the state in which he performs such services) in accordance with State law (or the state regulatory mechanism provided by state law) and who meets such training, education, and experience requirements (or any combination thereof) as the Secretary of HEW may prescribe in regulations."

The legislation also requires state medicaid plans to pay for the services of a rural health clinic, including all ambulatory services which are covered by the state plan; if state law permits the practice of nurse practitioners and physician assistants. Reimbursement will be at at 100 percent of costs which are reasonable and related to the costs of furnishing the services.

The Secretary will make an agreement with the appropriate state or local agencies to certify the clinics for medicare and medicaid.

The legislation requires the Secretary to develop and carry out demonstration projects in which physician-directed clinics in urban medically underserved areas, including clinics which employ nurse practitioners and physician assistants, are reimbursed on a cost related basis. The Secretary must report his findings and any recommendations for legislative change to the Congress no later than January 1, 1981.

The legislation also requires the Secretary to conduct a 6-month study on the advantages and disadvantages of extending medicare coverage for mental health centers and centers for drug abuse and alcoholism.

Legislative history

Legislation to amend title XVIII of the Social Security Act to provide payment for rural clinic services, H.R. 8422, was reported by the Committee on Ways and Means on July 29, 1977 (H. Report 95-548 Part I), and referred to the Committee on Interstate and Foreign Commerce for its consideration for a period ending not later than September 19, 1977.

H.R. 8422 was considered in open executive session by the Subcommittee on Health and the Environment, amended, and reported to the Committee on Interstate and Foreign Commerce on September 7, 1977. H.R. 8422, as amended, was considered, amended, and ordered reported by voice vote of the Full Committee on September 13, 1977 (H. Report 95-548 Part II). Passed House October 17, 1977. Passed Senate October 19, 1977 with amendments; the Senate asked for a conference on October 19, 1977. The House disagreed to Senate amendments and agreed to the Conference on October 25, 1977. Conference held November 1, 1977 and conference report filed same day (H. Report 95-790). House and Senate agreed to conference report on November 29, 1977. Approved December 13, 1977. Public Law 94-210.

Health Professions Education Amendments of 1977

PUBLIC LAW 95-215 (H.R. 9418) (S. 2159)

To amend the Public Health Service Act to require increases in the enrollment of third-year medical students as a condition to medical schools' receiving capitation grants under such Act, and for other purposes.

Summary

Public Law 95-215 makes the following changes in existing law:

(1) Repeal the existing requirement under section 771 of the Public Health Service Act (hereinafter the PHS Act) that schools of medicine, in order to receive capitation support (support based on a formula of a statutory amount of money times the number of students enrolled in the school) must agree to enroll in their third-year classes in each

of school years 1978–79, 1979–80, and 1980–81 an equitable apportionment of U.S. citizens who were enrolled in foreign medical schools prior to October 12, 1976, who had successfully completed 2 years in such schools, and who have passed part of I of the National Board of Medical Examiners examination. The repealed provision is replaced with a requirement that medical schools increase their third-year enrollments by 6 percent in school years 1978–79 and 1979–80.

(2) Amends the capitation requirement under section 771 of the PHS Act for schools of dentistry to exempt from the existing requirement that 70 percent of all new residency positions be in the primary care specialites of general dentistry and pedodontics (children's dentistry), schools of dentistry with fewer than six filled first-year positions.

(3) Expands the entities eligible for the award of traineeships under section 748 of the PHS Act so that students of all public or private nonprofit institutions providing graduate or specialized training in public health (and not just schools of public health) be eligible for traineeships in such courses of study as environmental health and nutrition education programs. It also adds preventive medicine and preventive dentistry programs to the list of eligible courses of study. An additional $1 million for each of fiscal years 1979 and 1980 is authorized.

(4) Requires the Secretary of Health, Education, and Welfare to conduct a study of the type and quality of training provided by foreign medical schools, the need in the United States for graduates of foreign medical schools, the need in the United States for foreign trained phycisians, the conditions for licensure in the United States for foreign trained physicians, and the adequacy of such conditions to assure high quality health care delivery by such physicians. Not later than December 1, 1979, the Secretary is to complete the study and report his findings and recommendations to the Congress.

(5) Makes several changes in the newly established Federal program of insured loans to students in health professions schools designed to make the program viable. These changes include authorizing deferral of interest payments until the period commences for repayment of principal, overriding State usury laws which restrict interest rates to less than the amount authorized under the program, and increasing the maximum allowable interest rate from 10 percent to 12 percent.

(6) Authorizes the Secretary of the Treasury to invest patient funds on behalf of St. Elizabeths patients who receive social security disability benefits. Under existing law, such funds, which presently total $2 million, are precluded from earning interest.

(7) Amends sections 1515 and 1516 of the PHS Act to authorize the Secretary of Health, Education, and Welfare to extend for an additional 12 months the period during which the Secretary may conditionally designate entities as health systems agencies or State health planning and development agencies.

Legislative history

H.R. 9280 was introduced on September 23, 1977. Hearings were conducted on H.R. 9280 on September 29, 1977. (Serial No. 95–47). The bill was subsequently considered in open executive session of the subcommittee, amended, ordered reported, and reintroduced as a clean bill, H.R. 9418, on October 3, 1977 H.R. 9418 was considered by the Committee on Interstate and Foreign Commerce on October 12, 1977, amended, and reported by unanimous voice vote on October 13, 1977. (H. Report 95-707). Passed House under suspension of the rules on October 17, 1977. Passed Senate, amended, November 4, 1977. Senate asked for a conference November 4, 1977. House agreed to a conference November 29, 1977. Conference report filed in the House December 1, 1977. (H. Report 95-828). Senate agreed to conference report December 7, 1977. Approved December 19, 1977. Public Law 95-215.

DRUG ABUSE PREVENTION AND TREATMENT AMENDMENTS OF 1978

PUBLIC LAW 95-461 (H.R. 12348) (S. 2916)

To amend the Drug Abuse Office and Treatment Act of 1972 to extend the programs of assistance under that Act for drug abuse prevention, education, treatment, and rehabilitation and for other purposes.

Summary

This legislation amends the Drug Abuse Office and Treatment Act of 1972 to revise and extend the authorizations of appropriations for fiscal year 1979 for the programs of drug abuse research, prevention, treatment and rehabilitation of the National Institute on Drug Abuse (NIDA) in the Department of Health, Education and Welfare. The legislation provides that the report to the Congress on Marihuana and Health be made on a biennial rather than an annual basis. It also requires the Secretary of Health, Education, and Welfare to submit an annual report to the President and the Congress describing HEW's activities respecting drug abuse research, prevention, treatment and rehabilitation.

Legislative history

On March 20, 1978, H.R. 11660 was introduced. The Subcommittee on Health and the Environment held hearings on April 10, 1978 (Serial No. 95-102). The bill was subsequently considered in open executive session on April 19, 1978, by the Subcommittee and ordered reported as clean bill, H.R. 12348. The full Committee on Interstate and Foreign Commerce reported the bill by voice vote on May 2, 1978, and on May 15, 1978, it was reported to the House (H. Rept. 95-1187). S. 2916 passed the Senate on May 24, 1978. On September 18, 1978, H.R. 12348 passed House in amended form by voice vote under suspension of the rules, was laid on the table and S. 2916 was passed as amended in lieu. On October 2, 1978, the Senate agreed to House amendment. Approved October 14, 1978. Public Law 95-461.

HEALTH MAINTENANCE ORGANIZATION AMENDMENTS OF 1978

PUBLIC LAW 95-559 (H.R. 13655) (S. 2534)

To amend the Public Health Service Act to revise and extend the program of assistance under that Act for health maintenance organizations.

Summary

Public Law 95-559 makes the following changes in existing law:

1. Authorizations of appropriations are established for fiscal year 1979 at $31 million, fiscal year 1980 at $65 million and fiscal year 1981 at $68 million.
2. The Secretary is authorized to make grants up to $1 million through September 30, 1979 and $2 million thereafter for the initial development of a health maintenance organization (HMO).

3. The total amount of loans available to an HMO for t
costs of operation would be increased from the current lim
of $2.5 million to $4.5 million effective in fiscal year 1980.

4. New loan authority is established to allow the Secretary
make loans to HMO's for projects for the acquisition or co
struction of ambulatory health care facilities.

5. The purposes for which grants for initial development m
be made are expanded to include the expansion of services of
HMO.

6. An HMO intern training program and authority for
technical assistance program is established.

7. Certain employers must arrange with employee consent
the employee's contribution for HMO membership to be pa
through payroll deduction.

8. Financial information and information regarding the own
ship of an HMO must be filed at such times as the Secreta
prescribes.

9. Certain HMO organizational requirements are amend
These include requiring an HMO to have administrative arran
ments satisfactory to the Secretary, allowing students to
experienced rated, and allowing a public HMO to establish
advisory board made up of members of the HMO rather th
requiring the HMO policymaking body to include such me
bership.

10. Certain requirements are amended relating to the HM
provision of services. These include: modifying existing requ
ments related to contracting with physicians for services; allow
an HMO to seek reimbursement for the cost of services provi
to a member who is entitled to benefits under a workme
compensation law or an insurance policy; requiring an HMO
reimburse a member for his expenses in securing basic health serv
other than through the organization when services are medic
necessary and immediately required because of unforeseen illn
injury or condition; requiring an HMO to make a good fa
effort to provide health services in the event of a natural disas
riot, civil insurrection, or other similar event; and not requi
an HMO to provide services which are unusual or infreque
provided and not necessary for the protection of an individu
health.

11. The prohibition in Federal law regarding conflicts of in
est of former officials and employees of the Federal Governm
is extended to the State and local employees who are respons
for the expenditures of substantial amounts of medicaid fund

12. Section 1122 of the Social Security Act is modified
provide that the development of facilities and services by
HMO is covered in the same manner as other health care facili
and organizations under this capital expenditure review progr

13. Requirements relating to the administrative locat
within the Department of Health, Education, and Welfar
the HMO program are repealed.

14. The Comptroller General is required to evaluate
policies and procedures for the management of the grant
loan programs and the adequacy of the amounts of assist
available under this program and report to the Congress
later than May 1, 1979.

Legislative history

H.R. 13266 was introduced on June 22, 1978. Hearings were conducted on H.R. 13266 on June 30, 1978 (Serial No. 95–116). The bill was subsequently considered in open executive sessions by the Subcommittee on Health and the Environment, amended, reported on July 22, 1978 and reintroduced as a clean bill, H.R. 13655 on July 31, 1978. H.R. 13655 was considered by the Interstate and Foreign Commerce Committee on August 8, 1978, amended and ordered reported by a vote of 17 to 5. The bill was reported to the House on August 11, 1978. (House Report 95–1479). It passed the House under suspension of the rules on September 25, 1978, was laid on the table and S. 2534 was passed as amended in lieu. The Senate asked for a conference on October 9, 1978. The House agreed to a conference October 11, 1978. The conference report was filed in the House October 13, 1978. (Conf. Report No. 95–1784). The House agreed to the conference report October 13, 1978. The Senate agreed to the conference report October 15, 1978. It was approved November 2, 1978, and became Public Law 95–559.

BIOMEDICAL RESEARCH EXTENSION ACT AND COMMUNITY MENTAL HEALTH CENTERS EXTENSION ACT

PUBLIC LAW 95–622 (H.R. 12347) (H.R. 12460) (S. 2450)

To amend the Public Health Service Act to revise and extend the programs of assistance for libraries of medicine and the programs of the National Heart, Lung and Blood Institute and the National Cancer Institute, to revise and extend the program for National Research Service Awards, to extend the assistance programs for Community Mental Health Centers and Biomedical Research and for other purposes.

Summary

Title I of this legislation amends the Community Mental Health Centers Act and the Public Health Services Act to revise and extend for fiscal years 1979 and 1980 the Community Mental Health Centers program. The significant revisions include: (1) allowing new centers to begin with five basic services and a plan outlining how all other mandated services will be phased in over a three-year period; (2) allowing shared services between and among catchment areas; (3) authorizing certain centers operated by hospital or governmental agencies to have citizen advisory boards rather than governing boards; and (4) establishing a new section in the Public Health Service Act, to be designated State Mental Health Authority, which authorizes appropriations for mental health planning and services.

Title II amends the Public Health Service Act to revise and extend for fiscal years 1979 and 1980 the programs under the National Heart, Lung and Blood Institute and the National Cancer Institute; revise and extend the programs of assistance for the National Library's medical library assistance program for fiscal years 1979, 1980, and 1981; revise and extend for fiscal years 1979, 1980, and 1981 the program of the National Research Service Awards, and amends the Comprehensive Alcohol Abuse and Alcohol Prevention, Treatment and Rehabilitation Act of 1970 to include in its programs the impact of alcohol abuse and alcoholism on families of abusers and alcoholics. Other provisions of this title include the establishment of research programs in nutrition and the biological effects of ionizing radiation, a review of Federal radiation research programs, and an expanded program for testing the carcinogenic and other toxic properties of substances.

Title III of this legislation establishes the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research for fiscal years 1979, 1980, 1981 and 1982.

Legislative history

Title I (Community Mental Health Centers) consists of Title II of H.R. 12460, the Community Mental Health Centers Act of 1978. (see history of this bill)

H.R. 10908 was introduced on February 9, 1978. Hearings were held by the Subcommittee on Health and the Environment on March 1, 2, and 3, 1978 on the biomedical research and research training authorities which were to expire in fiscal year 1978 (Serial No. 95-109). On April 18, 1978, the Subcommittee ordered reported a clean bill, H.R. 12347. The full Committee favorably reported the bill by voice vote on May 2, 1978 and on May 15, 1978, it was reported to the House. (H. Rept. 95-1192)

On August 4, 1978, the Subcommittee on Health and the Environment held hearings on proposed legislation to create the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, and a comparable Senate bill. (S. 2579).

S. 2450 passed the Senate on June 26, 1978. The House passed the House Substitute amendment to S. 2450 by voice vote under suspension of the rules on October 15, 1978. The Senate agreed to the House amendment to S. 2450 by voice vote on October 15, 1978. Approved November 9, 1978. Public Law 95-622.

DEVELOPMENTAL DISABILITIES ACT AMENDMENTS OF 1978

(TITLE V OF P.L. 95-602)

To amend the Developmental Disabilities Services and Facilities Act to revise and extend the programs under that Act, and for other purposes.

Summary

Title V of Public Law 95-602 extends the authority for State formula grants to support planning, programs and activities for the developmentally disabled; protection and advocacy systems for the developmentally disabled; university affiliated programs which carry out interdisciplinary training and demonstration projects for services to the developmentally disabled; and special project contracts and grants. The legislation authorizes $96 million for fiscal year 1979, $113 million for fiscal year 1980, and $132 million for fiscal year 1981.

It amends the definition of what constitutes a developmental disability to delete references to specific conditions and to specify more fully what constitutes a substantial handicap. A developmental disability is defined as a disability which—

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age twenty-two;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

Additionally, the legislation does the following:

(1) Requires States to set priorities among four broad service areas—alternative community living arrangements, individual case management, child development and nonvocational social development; and to concentrate at least 65 percent of their funds from the developmental disabilities program on no more than two of these areas, or on one of these areas and one other priority service area designated by the States. (When overall funding under the program reaches a substantially higher level, three priority service areas may be selected). Provision is made for exceptions in appropriate circumstances.

(2) Abolishes the National Advisory Council, and enlarges State planning councils, with increased representation of developmentally disabled persons and advocates.

(3) Requires the Secretary to establish standards for university-affiliated programs within 6 months, and provides that funding of university-affiliated programs that cannot meet the standards within 3 years will cease. During the 3-year interim period, a university-affiliated program must demonstrate satisfactory progress toward meeting the standards.

(4) Directs the Secretary to develop an adequate evaluation system by October 1979 and to require its implementation by the States by October 1982.

Legislative history

Hearings were held before the Subcommittee on Health and the Environment on H.R. 11764 and all similar and identical bills on April 4 and 5, 1978 (Serial No. 95-103). The legislation was considered in open executive session, and reported by the Subcommittee as a clean bill, H.R. 12336 on April 25, 1978. The legislation was reported by voice vote without amendment by the Committee on Interstate and Foreign Commerce on May 2, 1978, and was adopted by the House without amendment under suspension of the rules on September 19, 1978.

Senate legislation extending the developmental disabilities program was added as an amendment to H.R. 12467. The House amended the Senate amendment with the text of H.R. 12326, and a conference ensued. The conference report was filed October 13, 1978 (H. Rept. 95-1780). and adopted by the House on October 15, 1978.

HEALTH SERVICES RESEARCH, HEALTH STATISTICS, AND HEALTH CARE TECHNOLOGY ACT OF 1978

(PUBLIC LAW 95–623) (S. 2466)

To amend the Public Health Service Act to revise and extend the assistance programs for health services research and health statistics and for other purposes.

Summary

The legislation does the following:

(1) It establishes a National Center for Health Care Technology within the Department of Health, Education, and Welfare. The Secretary of HEW, acting through the Center, is required to undertake and support assessments of health care technology. In addition, the Secretary, acting through the Center, is required to undertake and support research in and demonstrations and evaluations of the factors that affect the use of health care technologies in the United States; methods for disseminating information on health care technologies; and the effectiveness, cost-effectiveness and social, ethical and economic impacts of particular medical technologies. The Secretary is also required to encourage and support research respecting the safety and effectiveness of certain technologies.

(2) The new Center is required to make recommendations to the Secretary respecting health care technology issues and administration of laws under the Secretary's jurisdiction, including recommendations with respect to reimbursements under titles XVIII and XIX of the Social Security Act.

(3) It requires the Secretary to assist public and private nonprofit entities in meeting the costs of planning and establishing new, and operating existing, centers for research, evaluations and demonstrations respecting health care technologies.

(4) It establishes a National Council on Medical Technology consisting of employees of government and members of the public. The Council is to develop and disseminate standards, norms and criteria with respect to the safety, efficacy, effectiveness, cost-effectiveness and the social impacts of the particular medical technologies.

(5) It revises the existing authority relating to the National Center for Health Services Research and the National Center for Health Statistics and extends the line-item authorizations for both Centers through fiscal year 1981.

(6) It requires the Secretary and the National Academy of Sciences, in cooperation with other Federal agencies, to conduct a study of the health costs of pollution.

(7) It requires the Secretary to develop a plan for the collection and coordination of statistical and epidemiological data on the effects of the environment on health.

(8) It requires the Secretary to establish guidelines for the collection, compilation, analysis, publication and distribution of statistics and information necessary for determining the effects and conditions of employment and indoor and outdoor environments on the public health.

(9) It requires the Secretary to conduct a study of the issues relating to the establishment of a Federal system to assist Fed-

eral, State, and other entities in locating individuals who have been exposed to hazardous substances to determine the effect on their health of such exposure and to assist them in obtaining appropriate medical care.

(10) It authorizes the establishment of 24 new positions within the Public Health Service for specially qualified scientific, professional and administrative personnel. These positions are to be allocated to the National Center for Health Services Research, the National Center for Health Statistics and the National Center for Health Care Technology.

(11) It authorizes the Secretary to carry out a program of grants to public and nonprofit vision research facilities.

Legislative history

S. 2466, the "National Institutes of Health Care Research Act of 1978", was reported by the Senate Committee on Human Resources on May 15, 1978. This legislation was rejected by the Senate on June 26, 1978. An amended version passed the Senate on August 9, 1978.

Legislation to extend and expand the Federal Government's role with respect to health services research, health statistics, and health care technology was introduced by several members of the Subcommittee on Health and the Environment during the 95th Congress. (H. Rept. 95–1190). This legislation was passed by the House of Representatives on September 25, 1978. The provisions of H.R. 12584 were substituted for the text of S. 2466, which was passed by the House. The Senate asked for a conference, to which the House agreed. A conference was held and the conference report was filed on October 13, 1978. The House agreed to the conference report on October 13, 1978. The Senate agreed to the conference report on October 15, 1978. S. 2466 was signed by the President on November 9, 1978 and became Public Law 95–623.

HEALTH SERVICES AND CENTERS AMENDMENTS OF 1978

PUBLIC LAW 95–626 (H.R. 12370 AND H.R. 12460) (S. 2474)
PUBLIC LAW 95–613 (H.R. 12370) (S. 2522)

To amend the Public Health Service Act and related health laws to revise and extend the programs of financial assistance for the delivery of health services, for health care delivery centers and for other purposes

Summary

Public Law 95–626 has two titles. Title I is "Health Centers and Primary Health Care" and provides for the following:

1. The migrant health center program is extended for three years with increased authorizations. Other amendments modify the services which a migrant health center must provide, the application process for a grant and the priorities for awarding grants, persons eligible to use centers, areas eligible for funds and the functions of a governing board of a public center. Other amendments permit migrant health centers to operate on a prepaid basis and provide incentives for improved performance.

2. The community health center program is extended for 3 years with increased authorizations. Other amendments modify the services which a community health center must provide, the application process for a grant and the priorities for awarding

grants and the functions of the governing board of a public center. Other amendments permit community health centers to operate on a prepaid basis, provide incentives for improved performance, and require that new community health center services be developed so that the number of urban and rural people who will have access to the new services is relatively equal.

3. A three year demonstration program is established which will make grants to public and private organizations which provide technical assistance to primary health care centers. The assistance will include the planning, development and operation of centers. Authorizations are $3 million a year for fiscal year 1979, 1980 and 1981.

4. A demonstration program is established which will make grants for the planning, development and operation of primary care centers which are affiliated with community hospitals and serve medically underserved areas. Authorizations are $5 million for planning and development in fiscal year 1979 and $25 and $30 million for planning, development and operation in fiscal year 1980, and 1981.

5. A new authority is established for the making of grants and contracts for primary health care research and demonstration projects in urban and rural areas. This new program will continue the research and demonstration program for rural areas which was being conducted during fiscal year 1978 under the authority of section 1110 of the Social Security Act. Authorizations are $24, $26.5 and $27 million for fiscal year 1979, 1980, and 1981.

6. A new part of Title III of the Public Health Service Act is designated as "Primary Health Care."

7. The Secretary is required to conduct special studies and report to Congress on the primary health care needs of immigrants, native Indians, Alaskan Eskimos, and on the future of the National Health Service Corps.

8. The authorizations for the National Health Service Corps are increased by $7 million for fiscal year 1979.

9. Certain accreditation requirements for special projects and graduate programs in health administration are modified.

Title II is "Health Services Extension" and provides for the following:

1. Three year extensions of existing programs for home health services, lead-based paint poisoning prevention, childhood immunization, rodent control, venereal disease control, hemophilia, and blood separation centers. Minor technical revisions are made in several of these existing programs.

2. Formula grants to States for comprehensive public health services and hypertension are extended without revision for fiscal year 1979. Beginning in fiscal year 1980, the program of grants to States for comprehensive public health services is replaced by a new program of Health Incentive Grants for comprehensive public health services, which is authorized for two fiscal years. Beginning in fiscal year 1980, the hypertension program is authorized for two fiscal years as a new project grant program.

3. The genetic diseases program is extended for three fiscal years with the addition of a new applied technology section which requires the Secretary to conduct disease surveillance and epi-

demiologic assessments to define the scope and extent of genetic diseases and the need for specific programs in this area.

4. A one year program of voluntary high risk influenza immunization is authorized for fiscal year 1979 with a stipulation that several reports be filed by the Department of Health, Education, and Welfare prior to the initiation of the program.

5. A Select Panel for the Promotion of Child Health is established for 18 months to formulate specific goals for child health and develop a national plan to achieve those goals.

6. The following new programs are also authorized: (a) formula grants to States for preventive health services; (b) comprehensive prevention demonstration grants; (c) studies and project grants in the areas or prevention of childhood and adolescent smoking and alcohol use; (d) programs of promotion of physical fitness; and (e) a program of adolescent pregnancy prevention and health care services.

Legislative history

H.R. 12460 and H.R. 12370 were originally introduced as H.R.
0553 on January 25, 1978. Hearings were conducted on February 21,
2, and 23, 1978 (Serial No. 95–108). The bill was subsequently con-
idered in open executive session by the Subcommittee on Health and
he Environment, amended, reported and reintroduced as two separate
lean bills, H.R. 12370, the "Health Services Amendments of 1978"
n April 25, 1978 and H.R. 12460, the "Health Centers Amendments
f 1978" on May 1, 1978. Both bills were considered by the Interstate
nd Foreign Commerce Committee on May 3, 1978. H.R. 12460 was
mended, and both bills were ordered reported by voice vote. H.R.
2460 was reported to the House on May 15, 1978 (H. Rept. 95–1186)
nd H.R. 12370 was reported to the House on May 15, 1978 (H.
ept. 95–1191).

H.R. 12460 passed the House under suspension of the rules on
eptember 19, 1978. H.R. 12370 failed to pass the House under
ispension of the rules on September 25, 1978, but passed the House
n October 13, 1978. The proceedings were vacated and the bill was
id on the table. The House substituted the language of these two
lls for Senate bills in the following manner. Title 1 of H.R. 12460
Title II was the "Community Mental Health Center Amendments
1978") and all sections of H.R. 12370, except for sections 5 and 6
l)(2) were substituted for the language of S. 2474, and S. 2474 as
nended was passed on October 13, 1978. The House asked for a
nference on October 13, 1978, and the Senate agreed to the con-
rence on October 15, 1978. The conference report was filed on Octo-
r 15, 1978, and the House and Senate agreed to the conference
port on October 15, 1978. S. 2474 was signed into law on November
, 1978, and became Public Law 95–626.

Sections 5 and 6(d)(2) of H.R. 12370 were substituted for the
nguage of S. 2522 and S. 2522 as amended was passed by the House
October 13, 1978. The Senate agreed to the amendments to S. 2522
October 15, 1978, S. 2522 was signed by the President on November
1978, and became Public Law 95–613.

Title II of H.R. 12460, the "Community Mental Health Center
nendments of 1978," and H.R. 12347, the "Biomedical Research
d Research Training Amendments of 1978", were substituted for

S. 2450. S. 2450 was signed by the President on November 9, 1978, and became Public Law 95–622.

Psychotropic Substances Act of 1978

PUBLIC LAW 95–633 (H.R. 12008) (S. 2399)

To amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation and exportation of psychotropic substances and for other purposes.

Summary

The legislation amends the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to prescribe the administrative procedures of Federal agencies for the control of psychotropic drugs or substances to enable the United States to meet the obligations of the 1971 Convention of Psychotropic Substances. It also increases the penalties for the illicit distribution of PCP to require the reporting of sales and distribution of the chemical piperidine which is used in the manufacture of PCP (2 year sunset provision) and to provide for the seizure and forfeiture of monies and property used to facilitate violations of illicit drug control laws.

Legislative history

On October 27, 1977, H.R. 9796 was introduced. Hearings were held by the Subcommittee on Health and the Environment on February 17, 1978 (Serial 95–99). On April 3, 1978, the bill was considered in open executive session by the Subcommittee, amended, and ordered reported by voice vote as a clean bill, which was introduced on April 11, 1978 as H.R. 12008. The full Committee on Interstate and Foreign Commerce considered and ordered the bill reported by unanimous voice vote on April 25, 1978 and on May 15, 1978 it was reported to the House (H. Rept. 95–1193). On July 27, 1978, the Senate passed S. 2399. On September 18, 1978, H.R. 12008 passed the House by voice vote under suspension of the rules, was laid on the table and S. 2399 was passed as amended in lieu. The Senate agreed to the House amendments with amendments on October 7, 1978. On October 13, 1978, the House agreed to the Senate amendments under suspension of the rules. Approved November 10, 1978. Public Law 95–633.

Hospital Cost Containment

(H.R. 6575)

To establish voluntary goals for restraining hospital cost increases, to establish a National Commission on Hospital Costs, to provide support for State cost containment programs, to limit capital expenditures, to assist and encourage the discontinuance of unneeded hospital services, and for other purposes

Summary

The bill is divided into three titles. Title I of the bill establishes goals for a voluntary hospital cost containment program as follows: to reduce the rate of increase in hospital expenses for calendar year 1978 to 2 percentage points less than the rate of increase in hospital expenses in 1977, and for 1979 and each subsequent calendar year to reduce the rate of increase, to 4 percentage points less than the 1977 rate, adjusted in each case by the change in the rate of increase in the GNP from the rate of increase in the GNP for 1977.

Title I also establishes a National Commission on Hospital Costs to evaluate progress toward meeting the voluntary goals and to advise the President and Congress on alternative systems of paying for hospital care. Additionally, it provides for a program of Federal support for approved State hospital cost containment programs. The Federal grant may pay up to 80 percent of reasonable amounts expended by the State for development and administration of the program for up to 3 years. In order to be eligible for funding, the State program must:

(a) Cover all hospitals in the State.

(b) Set a reasonable goal to contain the aggregate increase in revenues, and monitor progress toward the goal.

(c) Provide for administration by a commission on hospital budgets or a designated State agency (which is not the Medicaid agency).

(d) Provide that a hospital will receive the benefits of cost efficiencies.

(e) Include certain administrative appeals and enforcement mechanisms.

Title I also provides for the following additional changes in Medicare and Medicaid: (a) it requires common audits of hospitals by Medicare and Medicaid; (b) it provides that a hospital in a rural area with less than 50 beds and with an occupancy rate of less than 80 percent, may use acute care hospital beds to provide long-term care, and be reimbursed under Medicare and Medicaid at the average daily rate paid for long-term care by the Medicaid program.

Title II of the bill requires the Secretary to establish annually a limitation on capital expenditures which result in a net increase in bed capacity of health care facilities compared to the bed capacity in 1977.

The initial limitation may not exceed $4 billion, adjusted in future years to reflect the yearly increases in the cost of construction. Twenty-five percent of this amount must be funded from philanthropy. The limit would apply to all hospitals with an average length of stay with less than 30 days except Federal hospitals, psychiatric hospitals and hospitals with 75 percent of their revenues from health maintenance organizations. The limit would be apportioned to the States, taking into account variations among the States in population, the cost of construction, population patterns and growth, the need for health facilities and for modernization of existing facilities, the age of facilities, the ratio of historical costs to population, and other factors judged to be important. It would be implemented on a State-by-State basis through a State's certificate of need program, a program established pursuant to section 1122 of the Social Security Act or other program reviewing new institutional health services. The Secretary of HEW would be required within two years to report to the Congress whether the amount of the hospital capital expenditure limit is adequate and include in the report recommendations for changing the limit as well as the factors which should be included in apportioning the limit to the States.

Fifteen percent of the limit (a retained sum) would be retained by the Secretary for use by hospitals which serve regional or national patient populations. Four percent of the limit would be retained by the Secretary for use by hospitals on projects for hospital managemen and information systems which are cost savings.

Title III establishes a three-year program which will provid financial assistance to hospitals which voluntarily discontinue un needed hospital services. Within limits set by the title, debt, incentiv and conversion payments are made to hospitals to remove financia and other barriers to the discontinuance of hospital facilities an services. Incentive payments also are made to the health system agencies for the areas served by the hospitals which discontinu services to enable those agencies to develop health services whic are needed.

The Secretary may approve only those applications which ar recommended by State planning agencies, after they consider th recommendations of their health systems agencies. The Secretar will give priority to applications which result in the greatest reductio in hospital revenues in a health service area and which assist Stat planning agencies and health systems agencies in meeting the goal in their health plans.

The Secretary will conduct a study of the first applications t determine their effect of the elimination of unneeded hospital servic and report to the Congress.

The Title also establishes a program of grants to medical schoo for special training projects for students in hospital cost containmen

Legislative history

Joint hearings were held by the Subcommittee on Health and th Environment with the Subcommittee on Health of the Ways an Means Committee on May 11–13, 1977 (Serial No. 95–20 and 95–21 The bill was reported by voice vote by the Subcommittee on Healt and the Environment with an amendment in the nature of a substitut on October 13, 1977. The Committee on Interstate and Foreig Commerce ordered the bill reported with amendments on July 18, 197 the bill was reported October 13, 1978.

H.R. 6575 was reported with amendments by the Subcommittee o Health of the Ways and Means Committee, but no action was take by the full Committee. Legislation concerning control of hospit costs was adopted by the Senate as an amendment to H.R. 528 H.R. 5285 as amended was not considered further by the Hous

INCREASED MEDICAID ASSISTANCE TO PUERTO RICO, GUAM, AND THE VIRGIN ISLANDS

(H.R. 9434)

To amend the Social Security Act to increase the dollar limitations ar Federal medical assistance percentages applicable to the medicaid prograr of Puerto Rico, the Virgin Islands, and Guam.

Summary

The legislation provides for an increase in the ceiling on Feder expenditures in support of the Medicaid programs in Puerto Ric Guam and the Virgin Islands. The ceilings contained in existing la were last adjusted to their current level in 1972. The increase medical care costs since that time has effectively reduced the availab level of Federal support in real dollar terms, and makes the propose increases necessary.

The existing ceiling on Federal matching funds available to Puerto Rico for its Medicaid program is $30 million. The legislation would increase that ceiling to $50 million for fiscal year 1978 and $60 million for fiscal year 1979. It provides for automatic adjustments in the ceiling for later fiscal years by a percent equal to the percentage increase in the Consumer Price Index. Similarly, it adjusts the current $1 million ceiling on Federal Medicaid funds for the Virgin Islands to $1.6 million for fiscal year 1978 and $2 million for fiscal year 1979, and the current $900,000 ceiling for Guam to $1,475,000 in fiscal year 1978 and $1.8 million in fiscal year 1979. For these jurisdictions, the ceiling in later fiscal years would also be adjusted by a percent equal to the percentage increase in the CPI.

The legislation also removes the provision of current law which has prevented the Federal matching rate for the jurisdictions from being established in the same manner that it is established for the States. Generally, the Federal matching rate increases when State per capita income is low relative to that of other States. However, despite the low economic status of the jurisdictions, the Federal matching rate has been limited to 50 percent, the minimum matching rate available under the Act.

Legislative history

Hearings were held before the Subcommittee on Health and the Environment on September 8, 1977, on proposals to increase the matching rate and ceilings on Federal expenditures, including H.R. 3871, H.R. 6745, and similar proposals. The Subcommittee ordered reported a substitute version, H.R. 9434, on September 26, 1977. H.R. 9434 was considered and ordered reported by voice vote of the Committee without amendment, on October 12, 1977. The legislation was passed by the House under suspension of the rules on February 6, 1978. Similar legislation was reported by the Senate Finance Committee, but was not considered by the Senate.

RECOMBINANT DNA ACT

H.R. 11192

To extend for two years the scope of the containment requirements and the requirements of the experimental guidelines of the National Institutes of Health respecting recombinant DNA research to include all public and private recombinant DNA activities and to provide for a study respecting research and technology involving genetic manipulation.

Summary

Title I of this legislation would require that all public and private recombinant DNA activities be conducted in accordance with the appropriate sections of the National Institutes of Health Guidelines for Research Involving Recombinant DNA Molecules which are currently in effect, and would require the Secretary of Health, Education and Welfare to promulgate administrative regulations to ensure that these safety requirements are effectively implemented. This title also would give the Secretary inspection authority, provides for Secretarial discretion to be used in cases where State and local governments wish to impose standards more stringent than those in the NIH Guidelines, and establishes criteria and procedures for revising the safety standards or exempting certain classes of activities as knowledge is gained regarding the safety of recombinant DNA activities.

Title II establishes a thirteen member study commission to consider the long term implications of developing a technology capable of the genetic modifications of organisms and viruses, and to assess Federal policy regarding such activities.

This legislation is to expire two years from the date of enactment.

Legislative history

H.R. 4759 was introduced on March 9, 1977. Hearings were held by The Subcommittee on Health and the Environment on this and all similar legislation on March 15, 16, and 17, 1977 (Serial No. 95-18). The Administration's proposal, H.R. 6158 was introduced April 16, 1977, by Mr. Rogers, on request. On May 2, 1977, the Subcommittee met in an open executive session resulting in a Subcommittee Discussion Draft, introduced on May 24, 1977 as H.R. 7418.

The bill was considered in open executive sessions by the Subcommittee, amended, reported on June 1, 1977, and reintroduced as a clean bill, H.R. 7897 on June 20, 1977. H.R. 7897 was considered by the full Committee on Interstate and Foreign Commerce on September 27, October 12, 18, 1977, and a clean bill, H.R. 11192, was introduced on February 28, 1978. The full Committee considered and ordered reported the bill amended on March 15, 1978 and on March 24, 1978, the bill was reported to the House (H. Rept. 1005, Part I). On March 24, 1978, H.R. 11192 was sequentially referred to the Committee on Science and Technology for a period ending not later than April 21, 1978, for consideration of such provisions as fall within the jurisdiction of the Committee.

The Subcommittee on Science, Research and Technology held hearings on H.R. 11192 on April 11, 1978, and reported the bill on April 13, 1978. On April 18, 1978, the full Committee on Science and Technology considered and ordered reported the bill (H. Rept. 95-1005, Part II).

Clinical Laboratory Improvement Act of 1978

(H.R. 10909) (S. 705)

> To amend the Public Health Service Act to revise and strengthen the program under that Act for national standards for and licensing of clinical laboratories to amend the Social Security Act to require laboratories providing services financed under Titles XVIII and XIX of such Act to meet the requirements of such program, and for other purposes.

Summary

The Clinical Laboratory Improvement Act of 1978 would amend the Public Health Service Act and the Social Security Act to revise and improve the authorities under those Acts for the regulation of clinical laboratories. Briefly, it would do the following:

(1) It would require the Secretary of Health, Education, and Welfare to establish national standards for clinical laboratories designed to assure accurate procedures and services.

(2) It would permit a State to assume primary enforcement responsibility for the regulation of laboratories located within or doing at least 10 percent of their business within its jurisdiction in instances in which the State adopted standards that are no less stringent than the national standards and has adopted and is implementing an adequate enforcement mechanism.

(3) It would require the Secretary to establish a system of licensure of clinical laboratories and sets forth the circumstances under which such a license could be suspended or revoked.

(4) It would authorize the Secretary and any State with primary enforcement responsibility to enter into agreements with qualified public or nonprofit private entities to inspect and administer proficiency tests and periodic examinations required by the legislation.

(5) It would provide that individuals who solicit or accept a specimen for a laboratory which does not have a license shall be fined not more than $10,000 or imprisoned for not more than one year, or both.

(6) It would prohibit an employer from discharging or otherwise discriminating against an employee because the employee commenced or testified in a Federal or State proceeding relating to violations of the legislation, and it would require the Secretary of Labor to investigate charges of discrimination and authorize him to order reinstatement and damages in appropriate instances.

(7) It would authorize the Secretary, or his designee upon written notice, to inspect any clinical laboratory subject to national standards.

(8) It would authorize the Secretary to enter into agreements with entities (including States) to assist in meeting the costs of administering and enforcing their programs and would authorize $3 million for each of fiscal years 1978 through 1981 for such purposes. Such sums would be in addition to funds made available to States under the Social Security Act to inspect Medicare and Medicaid laboratories.

(9) It would require the Secretary to report to the Congress annually with respect to the accuracy and costs of laboratory tests and procedures during the previous fiscal year.

(10) It would require the Secretary to conduct a study of certification standards and State licensure laws for supervisors, technologists and technicians; qualifications of certifying bodies; mechanisms to determine continued competency of laboratory personnel; proficiency testing methods used to evaluate the performance of clinical laboratories; and the relationship of personnel requirements and of clinical laboratory testing requirements with clinical laboratory performance. Results of the study and recommendations for legislation are to be submitted to the Congress within 2 years from the date of enactment.

(11) It would require the Secretary to conduct or arrange for a study of the quality of services being provided by clinical laboratories located in practitioners' offices and which are exempt from the proposed legislation, including an evaluation of proficiency testing programs, quality control programs, personnel qualifications, and proficiency testing of personnel, and their effect on the medical reliability of tests. Any clinical laboratory that refuses to participate in the study would be immediately subject to national standards.

Within 1 year from the date of enactment, the Secretary would be required to report to the Congress the results of the evaluation of programs of proficiency testing of laboratories. If, on the basis of the evaluation, the Secretary found that the results of tests performed by laboratories participating in proficiency testing programs are significantly more medically reliable than the results of tests performed by laboratories which do not participate in such programs, the Secretary would be authorized to require, by regulation, that, as a condition to continued exemption, such laboratories participate in proficiency testing programs.

Within 2 years from the date of enactment, the Secretary would be required to report to the Congress the results of the evaluation of quality control programs, personnel qualifications, and proficiency testing of laboratory personnel with respect to practitioners office laboratories. In the report, the Secretary is to recommend whether such laboratories should be required, as a condition to exemption from national standards, to have laboratory procedure manuals or other items bearing on the medical reliability of tests and procedures performed in such laboratories.

(12) It would require the Secretary to undertake a study to determine the quality of the tests, procedures, and other services provided by clinical laboratories during the period beginning on the date of enactment and ending on the date national standards first take effect under the law and during the 2-year period beginning on the date standards first take effect. Data collected under the study is to be assembled on the basis of the size and type of clinical laboratories studies, the categories of persons for whom services were provided, the volume of services provided, the qualifications and experience of personnel, the protocols followed in providing services, and the States or geographic regions in which such services were provided. The Secretary would be required to make a preliminary report to the Congress on the results of the study not later than 90 days after the expiration of the first period studies and to make a final report on the study, including any recommendations for legislation, not later than 180 days after the expiration of the second period studied.

(13) It would amend the Social Security Act as follows:

(a) It would provide that reimbursement for laboratory services (other than such services provided in a hospital) could not include any element of a cost or charge which is a commission, finders fee, or an amount payable for rental or lease of a facility where the amount is unrelated or disproportionate to the fair market value of the facility or where the amount is set as a percent or fraction of the cost of laboratory services.

(b) It would limit markups of bills for laboratory services by limiting payments to physicians who include in their bills charges for laboratory services performed by an independent laboratory of the lesser of—

(i) the reasonable charge of the laboratory for the service; or

(ii) the amount the physician was billed by the laboratory, plus a nominal handling fee.

If a physician fails to provide the necessary information to make this determination, the payment would be at the estimated lowest charge at which services could have been secured by a physician from a laboratory in the area. Laboratories are required to allow access by the Secretary of HEW to their records to determine physicians compliance with this provision.

(c) It would authorize States, for a 3-year period, to use competitive bidding arrangements for the purpose of purchasing laboratory services under the medicaid program, provided certain conditions are met.

(d) It would require that a laboratory must meet the applicable standards established by the legislation in order to be eligible for medicaid payments, and must bill medicaid at rates no higher than its lowest rates for the same services.

(15) It would require the Secretary to conduct a study of the financial arragements entered into by hospitals for the provision of laboratory services under medicare or medicaid, including percentage arrangements, leasing arrangements, and arrangements for salaries to determine if such arrangements are in the public interest. The Secretary is to complete the study and report legislative recommendations to the Congress within 6 months of enactment of the proposed legislation.

(16) It would require the Secretary, within 24 months of the effective date of the amendments, described in item 14(b) above, to report to the Congress the proportion of bills submitted under title XVIII for laboratory services which did not identify who performed such services, the proportion of such bills with respect to which the amount paid was less than the charges, the average cost per patient resulting from the lesser payment, and the average cost per physician resulting from the lesser payment.

Legislative history

Legislation to amend the Public Health Service Act to revise and strengthen the program under that act for the regulation of clinical laboratories, H.R. 6221, was introduced on April 6, 1977 and jointly referred to the Committee on Interstate and Foreign Commerce and the Committee on Ways and Means. Hearings were held before the Subcommittee on Health and the Environment on June 14 and 15, 1977 (Serial No. 95–17). The bill was subsequently considered by the Subcommittee in open executive sessions, amended, reported, and reintroduced as a clean bill, H.R. 10909, on February 9, 1978. H.R. 10909 was considered by the Interstate and Foreign Commerce Committee on March 15, 1978, amended, and reported by voice vote on March 24, 1978 (H. Report 95–1004, parts I and II). On May 9, 1978, a public hearing on H.R. 10909 was held by the Subcommittee on Health of the Ways and Means Committee. That subcommittee considered the legislation in executive session on June 6, 1978, reporting the bill with amendments to the full Committee. The Ways and Means Committee considered H.R. 10909 and ordered it reported as amended on July 11, 1978. H.R. 10909 was pending House consideration when the 95th Congress adjourned.

Similar legislation, S. 705, passed the Senate on July 28, 1977.

THE CHILD HEALTH ASSURANCE ACT

(H.R. 13611)

To strengthen and improve the Medicaid early and periodic screening, diagnosis and treatment program, and for other purposes.

Summary

This legislation strengthens coverage of early diagnostic and preventive services and prenatal and postnatal care, in the Medicaid program; makes additional poor children and pregnant women eligible for Medicaid coverage; increases the proportionate share of the costs of health assessments and ensuing outpatient treatment for children which is paid for by the Federal government; and provides incentives for more successful operation of health assessment and follow-up programs by the States. It also provides protection against loss of Medicaid because of cost-of-living increases in Social Security, Railroad Retirement or Veterans' benefits.

Specifically, H.R. 13611 does the following:

1. Requires States to provide Medicaid for all individuals under 18 years of age who are financially eligible under the State welfare or Medicaid standard, or who have income of less than $4,200 a year for a family of four (the standard would be adjusted for family size). Children would be covered regardless of the composition of their families (under current law, a State must provide Medicaid only to children in families where one parent is absent or incapacitated.)
2. Provides a six-month continuation of Medicaid coverage for a child who loses financial eligibility for the program, to assure adequate time to receive necessary medical services.
3. Provides Medicaid eligibility for all pregnant women who are financially eligible under the State welfare or Medicaid standard, or who have income of less than $3,000 a year (if the woman is already part of a family, the standard would be adjusted for family size). The period of eligibility would be for the course of the pregnancy, and the first two months following birth. These women would be eligible for Medicaid services included in the State plan.
4. Allows Federal matching for Medicaid coverage for adopted children who have been in foster care, and who were hard-to-place for adoption because of a handicapping or medical condition requiring medical care, regardless of the income level of the adopting family. It would be the option of the State as to whether to provide the coverage.
5. Provides the Secretary of HEW authority to determine State of residence for purposes of Medicaid coverage where intent-to-reside is at issue in order to increase the accessibility of Medicaid coverage of migrants.
6. Allows children who are inmates of public institutions eo remain eligible for Medicaid if they were eligible before entry into the facility. (Current law provides that Medicaid eligibility cases when a person becomes an inmate of a public institution whichist not a medical institution).
7. Makes basic dental care for children, and pre- and post-natal services, required services under the Medicaid program.

8. Provides that all children who have received a health assessment are eligible for all necessary medical services, except for inpatient services in a psychiatric hospital or institution for the mentally retarded (coverage of these services would be at the option of a State). An assessed child would not be required to make copayments for any Medicaid service.

9. Provides for an increase in the Federal matching rate for assessments, and for all non-inpatient services provided to children who have been assessed (and re-assessed at appropriate intervals). The new Federal matching rate is calculated by adding 25 percentage points to the current matching rate for each State, up to a maximum Federal matching rate of 90 percent.

10. Requires a maintenance of effort by States regarding services for and coverage of children, as a condition for receiving the higher Federal matching rate; that is, a State may not lower its eligibility standard or discontinue services for children during the first four years the higher matching rate is available.

11. Increases the Federal matching rate for costs of outreach and follow-up to 75 percent (administrative costs are generally matched at 50 percent under current law).

12. Repeals (retroactive to enactment) the penalty provision of current law for States which fail to meet certain requirements of the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program and replaces it with a provision for a 20 percent decrease in the Federal share of Medicaid administrative costs for States which fail to meet certain minimum CHAP performance standards established by the Secretary. The Secretary would have the authority to delay imposition of the penalty for 6 months where he found a State was making a good faith effort to comply and to waive it if compliance is achieved in that time period. The legislation also provides for a bonus in the form of a 25 percent increase in matching for administrative costs for States which meet standards for outstanding performance.

13. Requires States to offer written agreements to all qualified health care providers who will agree to do assessments and necessary follow-up on terms as will reasonably be expected to elicit adequate provider involvement, including private practitioners, public health departments, community health centers, headstart agencies, rural health clinics, and maternal and child health centers. Additionally, provision was made to allow States to sign agreements with school systems which have made arrangements for assessments.

14. Requires providers who do assessments of Medicaid children to provide them with information on available dental services and dentists who participate in Medicaid.

15. Requires the Secretary to undertake a study of provider participation in CHAP, and ways to improve it, and to carry out demonstrations of capitation arrangements with physicians for provision of CHAP services.

16. Protects recipients of Social Security, Railroad Retirement Benefits, or Veterans benefits from losing their Medicaid eligibility because of cost-of-living increases.

Legislative history

Hearings were held on H.R. 6706 and all identical or similar bills on September 8 and 9, 1977 (Serial No. 95–43). On July 26, 1978, after markup in open executive session, a clean bill, H.R. 13611, was reported by the Subcommittee on Health and the Environment. H.R. 13611 was reported without amendment by voice vote on August 2, 1978. The legislation was not considered by the House. Similar legislation was reported in the Senate by the Finance Committee, but was also not considered by the Senate.

HEALTH PLANNING AND RESOURCES DEVELOPMENT AMENDMENTS OF 1978

(H.R. 11488)

To amend title XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and resources development.

Summary

The purpose of this legislation is to amend and extend for three years titles XV and XVI of the Public Health Service Act. These titles were established by Public Law 93–641, "The National Health Planning and Resources Development Act of 1974."

The bill would extend and provide more adequate funding for health systems agencies (HSA's). The membership requirements of HSA governing bodies would be slightly modified, and self-perpetuation of governing bodies would be prohibited. Provisions are made for active local elected official participation in the health planning process. Requirements are added to make the plans which the HSA's develop more detailed and to allow plan adoption only after public hearings have been conducted. Increased coordination among HSA's within standard metropolitan statistical areas would be required where those areas have been divided. In public HSA's, the amendments would provide the regional planning body or unit of local government with more authority over health planning in its area. Provisions related to conflicts of interest are also added.

The bill would provide a larger role for Governors in health planning including the process of area and HSA designation. It would require the State health and planning development agency (SHPDA) to identify Statewide health needs at the beginning of the planning cycle which the HSA would then be required to consider in the development of its plans. The Governor would be allowed to disapprove the State health plan under certain circumstances. The bill clarifies and expands existing certificate of need requirements. It extends the minimum coverage of certificate of need programs to home health programs and any purchase of major medical equipment that will serve inpatients of a hospital. Grants would be provided to States to demonstrate various means of effectively reducing excess hospital capacity. In addition, the SHPDA's would be required to coordinate their activities with rate setting bodies where they exist.

The legislation would strengthen the linkages between local and State health planning and that which takes place at the Federal level. The Secretary would be required to analyze and review the health plans which are developed by the HSA's and States and use that analysis in modifying the national guidelines for health planning or in

eloping additional guidelines. The bill makes it clear that the
ional guidelines for health planning are not to be rigid standards
exibly applied but rather benchmarks which HSA's can adjust as
l circumstances require. The bill requires more adequate consul-
on with various groups prior to revision of or establishment of
itional national guidelines.

he bill would extend Federal loan and loan guarantee programs
upport health care facility development although support would
imited to priority areas. Project grant authority for the construc-
and modernization of public hospitals and health care facilities
ld be extended. New grant authority for the construction of
patient medical facilities in medically underserved areas and the
version of existing facilities into facilities for outpatient and long
n care would be established. The legislation would repeal the
visions of existing law which have provided allotment grants to
es to develop health care facilities.

islative history

.R. 10460 was introduced on January 19, 1978. Hearings were
ducted on H.R. 10460 and all similar or identical bills on January
nd 31 and February 1 and 2 (Serial No. 96-93 and 95-94). The
was subsequently considered in open executive sessions by the
committee on Health and Environment, amended, reported, and
troduced as a clean bill, H.R. 11488 on March 13, 1978. H.R.
88 was considered by the Interstate and Foreign Commerce
mittee on April 11, 1978, amended, and ordered reported by a
e vote (H. Rept. 95-1185).

.R. 11488 was considered by the House but failed to achieve the
ssary two thirds vote under suspension of the rules on September
1978 (261-141). It was debated under an open rule by the House
October 10, 1978 but was not voted on prior to House adjournment
October 15, 1978.

NURSE TRAINING AMENDMENTS OF 1978

(H.R. 12303) (S. 2416)

To amend title VIII of the Public Health Service Act to extend for two
iscal years the program of assistance for nurse training, and for other
purposes.

mary

.R. 12303, the Nurse Training Amendments of 1978, would have
nded title VIII of the Public Health Service Act to extend for two
l years the program of assistance for nurse training. The major
isions of the proposed legislation are summarized below:

1. It would have extended the authorities of existing law with
respect to nurse training including authorizations for construction
grants, loan guarantees and interest subsidies, capitation grants,
advanced nurse training programs and traineeships, nurse
practitioner programs and student loans and scholarships at the
fiscal year 1978 authorization level for fiscal years 1979 and 1980.
It would also have increased the authorization of appropriations
for special project grants and contracts by $5 million and allowed
the existing authority for financial distress grants to lapse.

2. It would have added new authority to provide traineeshi to professional nurses in training to become nurse anesthetist

3. It would have required the conduct of a study and report t the Congress with respect to the need to continue the program o Federal financial support for nursing education.

4. It would have limited the authority for loan forgivenes only to those professional nurses practicing their profession in medically underserved areas.

5. It contained several technical and minor substantive amendments to the health manpower training authorities of the Publi Health Service Act.

Legislative history

Legislation to amend title VIII of the Public Health Service Act H.R. 11434, was introduced on March 9, 1978. Hearings were conducted by the Subcommittee on Health and the Environment o March 20, 1978 (Serial No. 95–96). The bill was subsequently considered in open executive session by the subcommittee, amended reported, and reintroduced as a clean bill, H.R. 12303 on April 24 1978. H.R. 12303 was considered by the Committee on May 2, 197 and reported by unanimous voice vote (H. Report 95–1189). It wa considered by the House under the suspension calendar on Septembe 19, 1978 and passed by a recorded vote of 393–12. Comparable legislation passed the Senate on June 7, 1978.

Senate asked for a conference on October 9, 1978; House agree to the conference on October 11, 1978 (H. Report 95–1785). Hous agreed to conference report October 13, 1978; Senate agreed on October 15, 1978. The conference report was vetoed by the President o November 11, 1978.

SUBCOMMITTEE ON COMMUNICATIONS

Total bills referred	29
Public Laws	
Legislative hearings	3

Utility Pole Attachments

PUBLIC LAW 234 (H.R. 7442) (S. 1547)

To amend the Communications Act of 1934 to provide for the regulatio of utility pole attachments and for other purposes.

Summary

Public Law 95–234 serves two purposes:

(1) to unify, simplify, and enlarge the scope of the forfeitur provisions of the Communications Act of 1934; and

(2) to establish jurisdiction within the Federal Communications Commission to regulate the provision by utilities to cabl television systems of space on utility poles, ducts, conduits, o other rights of way owned or controlled by those utilities.

The first section of the law amends Section 503 of the Communications Act to afford the Federal Communications Commission greate flexibility in the enforcement of the Communications Act and rule and regulations promulgated thereunder. Prior to the enactment o this bill, the Communications Act imposed only monetary civil penalties on certain individuals who failed to comply with the Act, FCC regulations, and other related matters. These civil liabilities include the forfeiture provisions in Section 503(b), relating to broadcast service, and Section 510, applicable to nonbroadcast radio services. This law enlarges the scope of the Commission's forfeiture liability under these sections to cover other persons subject to the Communications Act, such as: cable television systems, users of experimental or medical equipment emitting electromagnetic radiation, persons operating without a valid radio station or operator's license, and some communications equipment manufacturers.

This law makes three alterations in the existing forfeiture provisions. First, it extends the limitation period within which notices of liability must be issued: for persons not previously subject to forfeiture liability, 1 year; for nonbroadcast licensees, from the present 90 days to 1 year; and for broadcast licensees, from the present 1 year to 1 year or the current license term, whichever is longer, not to exceed 3 years.

Second, the maximum forfeiture that can be imposed for a single violation is raised to $2,000; for multiple violations, within any single notice of liability, $20,000 for a common carrier, broadcast licensee, or cable system operator, and $5,000 in the case of all other persons.

Third, the law authorizes the Commission to mitigate or remit common carrier forfeitures in the same way it now may with respect to all other forfeitures. Furthermore, the Commission is given a choice of using the traditional "show cause" procedure for imposing a forfeiture or holding an adjudicatory hearing under Section 554 of the Administrative Procedure Act.

Legislative history

The Subcommittee on Communications held one day of hearings on the need for pole attachment legislation on July 22, 1977. In the course of these hearings, testimony was taken from representatives of the cable television industry, telephone companies, power companies, the Federal Communications Commission and State regulators. In addition, written comments were received from approximately 40 interested parties.

The Subcommittee on Communications met in open markup session on October 12, 1977, to consider H.R. 7442 and reported the bill, with amendments, by a unanimous vote to the full committee.

H.R. 7442 was ordered reported to the House by the Committee on Interstate and Foreign Commerce on October 18, 1977, by a unanimous voice vote while a majority of the committee was present. On October 25, 1977, it passed the House, amended, under suspension of Rules by yea-nay vote: 389–7–2. The bill was referred to the Senate Committee on Commerce, Science, and Transportation on October 27, 1977. S. 1547 was reported to the Senate (S. Rept. 95–580) on November 2, 1977. The Senate Committee on Commerce discharged H.R. 7442 on January 31, 1978, passing the Senate with Senate amendments by voice vote. On February 1, 1978, the House agreed to the Senate amendment with amendments, and on February 6, 1978, the Senate disagreed to House amendments Nos. 1, 2, and 3; and agreed to amendment No. 4, with an amendment; the House receded from its amendments Nos. 1, 2, and 3, and concurred in Senate amendment to House amendment No. 4. On February 21, 1978, Utility Pole Attachments was approved. Public Law 95–234.

INTERNATIONAL MARITIME SATELLITE TELECOMMUNICATIONS ACT

PUBLIC LAW 95–564 (H.R. 11209)

To provide for the establishment, ownership, operation, and governmental oversight and regulation of international maritime satellite telecommunications services.

Summary

Public Law 95–564 (1) declares that it is the intent of the Congress that the United States participate through private enterprise in the International Maritime Satellite Organization (Inmarsat), which will serve the maritime commercial and safety needs of the United States and foreign countries, (2) designates the Communications Satellite Corporation (Comsat) as the designated operating entity of the United States in Inmarsat, (3) allows private communications systems (i.e. non-common carrier systems) to interconnect with the satellite earth terminal stations and the maritime satellite telecommunications provided by such stations, (4) authorizes international common carriers, domestic common carriers, and private communications systems (in addition to Comsat) to own all or any portion of satellite earth terminal stations if such ownership will enhance the provision of maritime satellite services in the public interest, (5) requires the President to issue instructions to Comsat with regard to foreign policy and national interests and to aid in the planning and development of the Inmarsat system and services, (6) allows for Comsat to participate in an interim maritime satellite telecommunications system to follow after its present Marisat system and to proceed with the operations of Inmarsat but authorizes the President to disapprove such interim participation, and (7) requires the Federal Communications Commission to conduct certain studies and administer the provisions of the law.

Legislative history

The Subcommittee on Communications held one day of hearings on this legislation dealing with the role of the United States in an international system of maritime satellite telecommunications. The bill reflects a commitment to develop a satellite system that effectively meets the needs of international commerce and the demands of maritime trading.

Testimony was presented to the Subcommittee by traditional maritime communications carriers as well as users.

On April 19, 1978, H.R. 11209 was considered in open executive session, amended and ordered reported to the Committee on Interstate and Foreign Commerce. The Committee held a mark-up on May 2, 1978, and ordered it favorably reported to the House, amended. H.R. 11209 was reported to the House (H. Rept. 95–1134, Part 1) on May 11, 1978. Passed House under suspension of the Rules by yea-nay vote: 350–0 on May 15, 1978, and was referred to the Senate Committee on Commerce (S. Rept. 95–1036). H.R. 11209 passed the Senate, amended, by voice vote on August 7, 1978, however, on August 15, 1978, the House disagreed to the Senate amendments and asked for a conference. The Senate agreed to a request for conference on October 12, 1978, and proceedings were vacated and the measure cleared for the White House on October 13, 1978. On November 1, 1978, the International Maritime Satellite Telecommunications Act was signed by the President. Public Law 95–564.

PUBLIC TELECOMMUNICATIONS FINANCING ACT OF 1978

PUBLIC LAW 95-567 (H.R. 12605)

To amend the Communications Act of 1934 to extend and improve the provisions of such Act relating to long-term financing for the Corporation for Public Broadcasting and relating to certain grant programs for public telecommunications, and for other purposes.

Summary

The Act serves six primary purposes: (1) Continue and increase (via the Corporation for Public Broadcasting) long-term Federal funding (5-year advance authorization, 2-year advance appropriation) for noncommercial public telecommunications; (2) Encourage the growth and development of nonbroadcast telecommunications technologies for the delivery of noncommercial educational and cultural radio and television programs, and other related noncommercial informational and instructional services to the public; (3) Assist (via Commerce Department's National Telecommunications and Information Administration) in the planning and construction of public telecommunications facilities to reach as many citizens of the United States as possible by the most efficient and economical means; (4) Assist (via the Department of Health, Education, and Welfare) in demonstration projects designed to assess the effectiveness of various telecommunications technologies in the delivery of health, education, and social services; (5) Provide greater accountability to the public by recipients of funds from the Corporation for Public Broadcasting (including open board meetings, open financial reports, and strengthened audit requirements); (6) Increase the availability of public telecommunications services to minorities and women, as well as stimulate efforts to expand ownership and employment opportunities for women and minorities in public telecommunications.

1. *Facilities program.*—This program, which funds station facilities and equipment, is moved from HEW to the new National Telecommunications and Information Administration at the Department of Commerce. Eligibility for grants is broadened to include nonbroadcast technologies and nonlicensees. Priority is placed on expansion of the system's coverage and on increasing the involvement of minorities and women. Not more than 25 percent of the funds appropriated each year may be used for improving existing facilities. Proposed authorization for this program is $40 million for each of the next three fiscal years. (Current authorization is $30 million, appropriation is $18 million). 25 percent of the appropriation each year is earmarked for noncommercial radio facilities to permit expansion of the system (it now reaches about 60 percent of the population).

2. *Telecommunications demonstration program. (H.E.W.).*—The authorization for each of the fiscal years 1979–81 is $1 million per year, which is the same as the current authorization.

3. *Corporation for Public Broadcasting (CPB).*—CPB's mandate is broadened to include the funding and development of programs and services designed for nonbroadcasting uses. CPB is required to expend a significant portion of its funds on programming, and to reserve a substantial amount for distribution to independent production entities. To the maximum extent possible, CPB is required to use panels of experts to review programming proposals.

In regard to financing, a 3-year authorization would be added to the 2 years that remain on the existing authorization. Levels would be $180 million in fiscal year 1981, $200 million in fiscal year 1982, and $220 million in fiscal year 1983. In fiscal year 1981, the match will be lowered to $2 (non-Federal) to $1 (Federal). Following a study of the matter by CPB, stations will be permitted to certify the value of personal services of volunteers as not more than 5 percent of their non-Federal income.

CPB's funds are to be disbursed from the Treasury on a quarterly basis. (Funds are now disbursed on a lump-sum basis, and CPB collects interest on unexpended sums). A 5 percent ceiling is placed on CPB's internal administrative budget beginning in 1981. All meetings of the CPB Board and advisory committees are required to be open, except those dealing with personnel matters, litigation, etc. CPB is required to develop uniform accounting principles to be used by the stations. Salaries of CPB, PBS, and NPR officers and employees are limited to not more than level I of the Executive Schedule.

4. *Stations (Public Telecommunications Entities).*—

(*A*) *Financial accountability:* All stations are required to utilize uniform accounting principles developed by CPB and to undergo an annual independent audit. The annual audit report and financial reports to CPB must be open to the public at the station.

(*B*) *Open meetings:* All board and advisory committee meetings of PBS, NPR, and the stations must be open to the public except for those dealing with personnel, litigation, et cetera. Stations also are required to establish Community Advisory Boards.

(*C*) *EEO:* Equal opportunity in employment (including appointment to governing and advisory bodies) must be afforded to all by PBS, NPR, and all public telecommunications entities. This is to be enforced by HEW's Office for Civil Rights. CPB shall carry out pre-grant certification and monitoring activities. Penalty for noncompliance is suspension or reduction of funds.

(*D*) *Access to satellite interconnection:* Excess capacity on satellite interconnection systems must be made available to persons who wish to transmit noncommercial programs to the stations, subject to reasonable terms and conditions.

Legislative history

The Subcommittee on Communications held three days of hearings on H.R. 12021 and related bills, H.R. 11100 and H.R. 12073. On May 2 and May 4, 1978, the Subcommittee held a mark-up and ordered reported a clean bill to the Committee on Interstate and Foreign Commerce. The Committee met in executive session May 15, 1978, to consider and mark-up H.R. 12605 and reported it to the House, amended (H. Rept. 95–1178). Passed House, amended, by voice vote on July 10, 1978, and passed Senate, amended, by voice vote on September 19, 1978, (Senate struck all after the enacting clause and substituted the language of S. 2883). The Senate requested a conference which the House agreed to on September 25, 1978. On October 4, 1978, conferees agreed to file a conference report. Conference Report 95–1774 was filed in the House on October 12, 1978, which the House agreed to by voice vote on October 13, 1978. On October 15, 1978, the

ate agreed to conference report by voice vote and the measure
ared for the White House. On November 2, 1978, the Public
ecommunications Financing Act was signed by the President.
blic Law 95-567.

BCOMMITTEE ON TRANSPORTATION AND COMMERCE

al bills referred to Committee ---------------------------------- 259
lic Laws -- 11

Authorization for United States Railway Association

PUBLIC LAW 95-199 (H.R. 4049) (H. RES. 529) (S. 922)

To amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association.

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This legislation authorizes to be appropriated to the United States
lway Association for the fiscal year ending September 30, 1978,
n sums as are necessary, not to exceed $23 million.
econd, the law requires that the Association transmit to Congress
the President, not later than 30 days after the end of each quarter,
mprehensive report on all expenditures and use of funds during the
ceding fiscal quarter and a projection of activities proposed for
next fiscal quarter.
inally, this legislation authorizes the Special Court to appoint
sters and to provide administrative and support personnel services
ough the Administrative Office of the United States Courts. Public
y 95-199 also provides for the direct appeal of decisions of the
cial Court to the Supreme Court.

islative history

he Subcommittee on Transportation and Commerce held a hear-
on H.R. 4049 on March 15, 1977 (Serial number 95-3). The bill
reported from the Subcommittee on March 15, 1977.
he Interstate and Foreign Commerce Committee reported H.R.
9 on April 20, 1977 (Report 95-215). It passed the House on May
977, and was referred to the Senate on May 4. The bill passed the
ate amended on May 23, 1977. The House agreed to the Senate
ndments with an amendment on November 3, 1977. The Senate
eed to the House amendment on November 4, 1977. Approved
ember 23, 1977. Public Law 95-199.

Authorization for Office of Rail Public Counsel

PUBLIC LAW 95-231 (H.R. 5798) (H. RES. 633) (S. 922)

To amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978.

mary

his legislation amends section 27(6) of the Interstate Commerce
to authorize an appropriation of $1,000,000 for the Office of Rail
lic Counsel in the Interstate Commerce Commission for fiscal year
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Legislative history

The Subcommittee on Transportation and Commerce held a hearing on H.R. 5798 on April 5, 1977 (Serial number 95-6). The bill was reported from the Subcommittee, amended, on May 4, 1977.

The Committee on Interstate and Foreign Commerce reported H.R. 5798 to the House on May 16, 1977 (H. Rept. 95-334). House passed H.R. 5798 on January 30, 1978. Senate passed House bill unamended. Approved February 15, 1978. Public Law 95-231.

LOCATION FOR 1984 SUMMER OLYMPICS

(H. CON. RES. 318)

That all efforts be made to locate the 1984 summer Olympic games in the United States, and that the Federal Government provide appropriate financial assistance to the American city selected to host the games.

Legislative history

The Subcommittee on Transportation and Commerce met on September 15, 1977, concerning H. Con. Res. 318. The Interstate and Foreign Commerce Committee brought H. Con. Res. 318 up at their September 27th meeting and reported it out of Committee. Was superseded by H. Con. Res. 368.

AMTRAK CONTRACT TO OPERATE SOUTHERN CRESCENT

(H. CON. RES. 494)

That for the purpose of maintaining the present service over the basic system routes, National Railroad Passenger Corporation may, notwithstanding the pendency of the route reexamination study presently being conducted by the Secretary of Transportation and without regard to the Criteria and Procedures adopted pursuant to Section 404(c) of the Rail Passenger Service Act, undertake to provision of any basic system intercity rail passenger service pursuant to Section 404(a) by contracting with a railroad filing for the discontinuance of such service.

Legislative history

The Subcommittee on Transportation and Commerce met on March 14, 1978, concerning H. Con. Res. 494 (Serial 95-120). The Interstate and Foreign Commerce Committee reported it to the House on March 14, 1978 (H. Rept. 95-983).

Under suspension of the rules H. Con. Res. 494 was passed by the House on March 20, 1978. Senate concurred on March 21, 1978.

HAZARDOUS MATERIALS TRANSPORTATION AMENDMENTS ACT

PUBLIC LAW 95-403 (H. R. 11871) (S. 1896)

To amend the Hazardous Materials Transportation Act to authorize appropriations for the Materials Transportation Bureau for fiscal year 1979.

Summary

This legislation authorizes a $5 million appropriation to the Materials Transportation Bureau for the purpose of implementing the

Hazardous Materials Act of 1974. This Act gives the Secretary of Transportation the authority to prescribe regulations governing the torage, packaging and transportation of hazardous materials by any node of transport.

Legislative history

The Subcommittee on Transportation and Commerce held hearings n H.R. 11871 on April 10, 1978. The Subcommittee reported the oill to the full Committee on April 18, 1978.

The Interstate and Foreign Commerce Committee reported H.R. 1871 to the House on May 15, 1978 (H. Rept. 95–1170). The House assed the bill under suspension of the rules on September 19, 1978. Proceeding vacated, S. 1896 was passed in lieu thereof. Approved eptember 30, 1978. Public Law 95–403.

AMTRAK IMPROVEMENT ACT OF 1978

PUBLIC LAW 95–421 (H.R. 11493) (S. 3040)

To amend the Rail Passenger Service Act to extend the authorizations of appropriations for the National Railroad Passenger Corporation for fiscal year 1979.

ummary

The purpose of this legislation is to authorize appropriations for ne National Railroad Passenger Corporation for fiscal year 1979. he legislation provides $600 million for fiscal year 1979 operating xpenses; $130 million for fiscal year 1979 capital expenditures and 25 million for debt reduction.

The Act provides that the Secretary of Transportation conduct thorough review and evaluation of the Amtrak route system for e purpose of recommending a new route system based upon current d future market and population requirements. The Secretary, in veloping his recommendations on the route system, will examine re structure alternatives and their impact on ridership, revenues d expenses of Amtrak. The Secretary shall submit his final rec- mmendations to the Congress by December 31, 1978. The recom- endations shall be deemed approved at the end of a period of 90 lendar days of continuous session unless either House adopts a solution of disapproval.

The Act requires the Secretary to submit a report within one year the Congress on the conflict between the needs of commuter rail ssenger service and intercity rail passenger service in the Northeast rridor. Similarly, the Act contains a provision stating that the mptroller General, in consultation with the Secretary of Transpor- ion and the Interstate Commerce Commission, report on the eco- mic relationship of the fare structure of National Railroad Passen- Corporation to the intercity bus industry on later than Decem- 31, 1978.

The legislation amends the Rail Passenger Act to provide that all rchases amounting to more than $1 million must be from the United tes unless the Secretary determines that such a requirement is onsistent with the public interest, the cost of compliance is un- sonable or the materials cannot be reasonably purchased in the ited States.

Legislative history

Public hearings on H.R. 11493 were held on March 20, 21 and April 5, 1978, by the Subcommittee on Transportation and Commerce. The Subcommittee reported the bill to the full Committee on Interstate and Foreign Commerce with an amendment in the nature of a substitute on May 10, 1978.

The Interstate and Foreign Commerce Committee ordered H.R. 11493 reported to the House with seven amendments adopted by the full Committee on May 15, 1978 (H. Rept. 95–1182).

H.R. 11493 passed the House on June 23, 1978. Proceedings vacated and S. 3040, as amended, passed in lieu on June 23, 1978. House agreed to file conference report on August 3, 1978. Conference report was filed in the House August 11, 1978 (H.Rept. 95–1478). House agreed to conference report on September 19, 1978. Senate agreed to Conference report on September 23, 1978. Approved October 5, 1978. Public Law 95–421.

INTERSTATE HORSERACING ACT OF 1978

PUBLIC LAW 95–515 (H.R. 14089) (S. 1185)

To regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry

Summary

This legislation allows a duly authorized off-track betting office in a given State to accept bets on races taking place in another State under carefully controlled circumstances. These circumstances require, in States with more than 250 days of racing per year, obtaining the proper consents from the tracks, horsemen's groups, and racing commissioners involved.

The Act defines the term "interstate off-track wager" as a legal wager placed or accepted in one State with respect to the outcome of a horserace taking place in another State. Thus, the regulations and exceptions in the law will not apply to illegal handbook or parimutuel operations which are already covered by existing criminal statutes. An exception to the regulations contained in the Act is provided for interstate off-track wagers accepted pursuant to a contract entered into on or before May 1, 1978. An exception is also provided for any form of legal nonparimutuel off-track betting which exists in a particular State on or before May 1, 1978. Thus, the regulations provided in the Act would not apply to the legal handbook operations in the State of Nevada.

In States with less than 250 days of racing per year, consents are also required. However, Connecticut, the only State which presently has parimutuel off-track betting and less than 250 days of racing per year, is specifically exempted by the Act as to "market area consent."

Legislative history

The Subcommittee on Transportation and Commerce held hearings on H.R. 14089 on September 19, 1978. The Subcommittee ordered the bill reported to the full Committee on September 20, 1978. The Interstate and Foreign Commerce Committee ordered H.R. 14089 reported to the House on September 26, 1978 (H. Rpt. 95–1733).

The Senate passed S. 1185 on September 26, 1978. The House passed H.R. 14089 under suspension of the Rules on October 10, 1978. Subsequently, S. 1185 passed in lieu of H.R. 14089. Approved October 25, 1978. Public Law 95–515.

Conrail Additional Appropriations Authorization

PUBLIC LAW 95–565 (H.R. 12161) (S. 2788)

To amend Section 216 of the Regional Rail Reorganization Act of 1973 to authorize an additional appropriation to the United States Railway Association to purchase additional series A preferred stock of the Consolidated Rail Corporation.

Summary

The purpose of this legislation is to authorize an additional $1.2 billion to the U.S. Railway Association to purchase additional series A preferred stock of the Consolidated Rail Corporation so as to provide it with funds for (1) the modernization, rehabilitation and maintenance of rail properties, (2) the acquisition of equipment and other capital needs, and (3) for working capital.

The additional funding was required by circumstances not contemplated in the final system plan of the U.S. Railway Association and the Railroad Revitalization and Regulatory Reform Act of 1976. These circumstances included Conrail inheriting from its predecessor railroads an equipment fleet in substantially worse condition than the final system plan had indicated. In addition, the serious problem with locomotives and freight cars, coupled with major coal, iron ore, and longshoremen strikes, the two severest winters in modern history, seriously impaired the efforts to improve the northeast rail system. Conrail projects that with the additional $1.2 billion for rehabilitation, modernization and operating losses, it can attract $959 million in secured financing for equipment from private sector sources.

Legislative history

The Subcommittee on Transportation and Commerce held hearings on H.R. 11492 on April 11, 12, and 17, 1978. The Subcommittee considered and reported H.R. 12161 to the full Committee on April 19, 1978.

The Interstate and Foreign Commerce Committee reported H.R. 2161 to the House on May 3, 1978 (H. Rept. 95–1175). The House vacated proceedings on H.R. 12161 and passed S. 2788 in lieu thereof on October 15, 1978. Approved November 1, 1978. Public Law 95–565.

Federal Railroad Safety Authorization Act of 1978

PUBLIC LAW 95–574 (H.R. 12577) (S. 3081)

To amend the Federal Railroad Safety Act of 1970 to authorize appropriations for fiscal years 1979 and 1980 to the Federal Railroad Administration for the purpose of administering a rail safety program.

Summary

The primary purpose of this legislation is to fund the operations f the Federal Railroad Administration to implement and enforce he Federal Railroad Safety Act of 1970 for fiscal years 1979 and 980. The new Act authorizes $37,725,000 each year for this purpose. he funds will be used toward providing more safety inspectors, dministration and operating expenses, and safety research and evelopment programs.

This legislation requires the Secretary of Transporation to conduct a two-part study concerning rail safety and efficiency. The first portion entails a determination of the relationship between the size, weight, and length of rail cars and trains and rail safety. The second portion entails a determination of the effect of the exclusive ownership of rail rights-of-way by private railroads on rail safety and whether other ownership structures enhance rail safety.

The new Act clarifies the term "designated terminal" in the Hours of Service Act, which limits the maximum numbers of hours certain classes of employees may remain on duty.

Legislative history

The Subcommittee on Transportation and Commerce held hearings on H.R. 10556 on March 15 and 16, 1978 (Serial No. 95-127). The Subcommittee considered the bill and reported a clean bill, H.R. 12577, to the full Committee on May 4, 1978.

The Interstate and Foreign Commerce Committee reported the bill with two amendments to the House on May 11, 1978. (H. Rpt. 95-1176). The House amended and passed S. 3081 in lieu of H.R. 12577 on October 13, 1978. The Senate agreed to the House amendments on October 15, 1978. Approved November 2, 1978. Public Law 95-574.

HEALTH AND LIFE INSURANCE BENEFITS FOR RETIREES OF BANKRUPT RAILROADS

PUBLIC LAW 95-597 (H.R. 5646) (H.RES. 782) (S. 1231)

> To amend the Regional Rail Reorganization Act of 1973 to require Conrail to make premium payments for medical and life insurance policies for preconveyance, non-contract retired employees, to provide that Conrail shall be entitled to a loan under Section 211(h) of the Act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization.

Summary

This legislation requires Conrail to assume the obligations of certain insolvent railroads for medical and life insurance coverage of the approximately 3,900 employees who retired prior to the date the assets of such railroads were transferred to Conrail. The coverage is to be funded by a loan to Conrail from the U.S. Railway Association under section 211(h) of the Regional Rail Reorganization Act of 1973. Conrail will have claims against the estates of the railroads for funds expended in fulfillment of their contractual obligations to their former employees.

Provisions for paying these premiums was included in the Railroad Transportation Improvement Act of 1976. Unfortunately, however, there was a deficiency in the drafting of this provision. The estate of one of the bankrupt railroads went to court contending that it should not continue to pay these benefits because the premiums were not administrative expenses for purposes of the Regional Rail Reorganization Act of 1973 now under principles of bankruptcy law. This Act, therefore, is designed to overcome the deficiencies outlined by the Sixth Circuit Court of Appeals case, *In the Matter of Erie Lackawanna Railroad Co., Appeal of Non-Contract Retirees, 548 F. 2d. 621 (6th Cir., 1977)*.

Legislative history

The Subcommittee on Transportation and Commerce held a hearing on H.R. 5646 on April 5, 1977. The Subcommittee amended the bill and reported it to the full Committee on May 4, 1977.

The Committee on Interstate and Foreign Commerce reported H.R. 5646 to the House on June 1, 1977 (H. Rept. 95-376). H. R. 5646 passed the House on January 3, 1978 and passed the Senate amended on August 2, 1978. House concurred with amendments to Senate amendment on October 11, 1978. Senate agreed to House amendments to Senate amendments on October 13, 1978. Approved November 4, 1978. Public Law 95-597.

LOCAL RAIL SERVICE ASSISTANCE ACT OF 1978

PUBLIC LAW 95-607 (H.R. 11979) (S. 2981)

To amend section 5 of the Department of Transportation Act, the Regional Rail Reorganization Act of 1973, the Railroad Revitalization and Regulatory Reform Act of 1976, and the Interstate Commerce Act to provide local rail service assistance.

Summary

This legislation provides increased flexibility to the States to deal with the branch line problems. The Railroad Revitalization and Regulatory Reform Act of 1976 mandated that the Federal government provide an operational subsidy program to assist areas forced to deal with the sudden abandonment of branch lines. After two years of administering the 4-R Act, it was recognized that the program was not completely effective.

The new Act provides an emphasis on rehabilitation rather than operational subsidies. Under the new law, a branch line will be eligible for assistance if it has carried three million gross tons of freight during the preceding year. Another change pertains to the formula for allocation. Commencing in fiscal year 1980, two-thirds of the funds available will be allocated on the basis of a State's percentage of rail mileage which is potentially subject to abandonment, or which carriers plan to abandon. One-third of the funds will be allocated on the basis of the State's percentage of rail mileage which has been authorized for abandonment, or excluded from the Conrail system.

Also, an expired provision in the Interstate Commerce Act permitting railroad ratemaking flexibility within a 7 percent zone of reasonableness was renewed until July 1, 1980.

Legislative history

The Subcommittee on Transportation and Commerce held hearings on H.R. 11979 on July 12 and 17, 1978. On August 9, 1978, the Subcommittee ordered the bill reported to the full Committee with an amendment striking out all after the enacting clause and inserting in lieu thereof the text of a staff discussion draft as amended by the Subcommittee.

The Interstate and Foreign Commerce Committee further amended H.R. 11979, and ordered the bill reported to the House (H. Rpt. 95-1482). The House vacated proceedings on H.R. 11979 and amended, and passed S. 2981 in lieu thereof. Senate agreed to House amendments on October 15, 1978. Approved November 8, 1978. Public Law 95-607.

NOISE CONTROL ACT OF 1972

PUBLIC LAW 95-609 (H.R. 12647) (S. 3083)

To extend the authorization for the Noise Control Act of 1972 for fiscal year 1979 and to expand the quiet communities program.

Summary

The Noise Control Act of 1972 was reauthorized for fiscal year 1979 in the amount of $15 million. Called the Quiet Communities Act of 1978, the reauthorization contained assistance, both monetary and technical, to States and localities in the areas of noise abatement techniques, enforcement of noise controls, public education about the effects of prolonged exposure to noise, and purchase of and instruction in the use of noise measurement devices. The program will be carried out in part by the establishment of regional technical assistance centers in universities throughout the country.

Other provisions of the Act include (1) establishment of civil penalties for enforcement, (2) more timely response by the Federal Aviation Administration to aircraft noise recommendations made by the Environmental Protection Agency, (3) a study of a major U.S. airport within one mile of a State border (to assess the impact on an adjacent State and its residents), and (4) a procedure for a State or political subdivision to suggest more stringent noise standards to EPA.

Legislative history

The Subcommittee on Transportation and Commerce held a hearing on H.R. 12608 and 12069 on April 13, 1978. The Subcommittee reported H.R. 12065 to the full Committee on April 18, 1978.

The Interstate and Foreign Commerce Committee reported a clean bill, (H.R. 12647), bill to the House on May 11, 1978 (H. Rept. 95-1176). Passed the House under a suspension of rules on October 10, 1978. Proceeding vacated and S. 3083 was amended and passed in lieu thereof. Senate agreed to House amendments on October 13, 1978. Approved November 8, 1978. Public Law 95-609.

UNITED STATES RAILWAY ASSOCIATION AUTHORIZATION

PUBLIC LAW 95-611 (H.R. 10898)(S. 2508)

To amend the Regional Rail Reorganization Act of 1973 to authorize appropriations for the United States Railway Association for fiscal year 1979.

Summary

This legislation authorizes $27.2 million to the United States Railway Association for fiscal year 1979 so that it may continue to perform its administrative functions. The authorization will be used to monitor Conrail service quality and financial performance pursuant to the Regional Rail Reorganization Act of 1973. In addition to the surveillance of Conrail, the appropriation will be used to monitor the use of funds advanced to other railroads under the 3-R Act.

In addition to its planning and monitoring functions, USRA has the responsibility to represent the Federal government's position in the complex Northeast rail reorganization litigation. Substantial legal fees for outside counsel will be required. In addition, the litigation will require substantial expenditures during fiscal year 1979 for appraisers and other experts employed by the USRA in assessing the value of rail properties transferred to Conrail, other railroads and government entities pursuant to the final system plan.

The Act also contains a provision designed to provide sufficient funds to the Delaware and Hudson Railway while the Federal Railroad Administration completed its 401 study, and the USRA and the New England Regional Commission could complete their study. The amendment provides that a railroad in the region which has been loaned funds pursuant to Section 211(a) may request USRA to continue payment of the loan, but not to exceed the existing loan commitment. The USRA needs only to find that a good faith effort to establish an employee stock ownership plan has been initiated by the railroad for payments to continue. The loan will permit the continuation of rail service as determined by the USRA in the final system plan, to meet the goals of the 3-R Act. In addition, the Emergency Rail Services Act of 1970 was amended permitting the Secretary to waive certain previously required prerequisite fundings for receiving assistance.

Legislative history

The Subcommittee on Transportation and Commerce held public hearings on H.R. 10898 on February 22, 1978. The Subcommittee ordered H.R. 10898 reported to the full Committee on April 18, 1978. Public hearings on the financial condition of the Delaware and Hudson Railway were held by the Subcommittee on August 15.

The Committee on Interstate and Foreign Commerce reported the bill to the House on April 24, 1978 (H. Rept. 95-1198). The bill passed the House amended on August 17, 1978. The Senate amended the House bill and passed it on September 14, 1978. The House amended the Senate's amendments and passed the bill on October 13, 1978. The Senate agreed to the House's amendments and passed the bill on October 15, 1978. Approved November 8, 1978. Public Law 95-611.

RAIL PUBLIC COUNSEL AUTHORIZATION

(H.R. 12162) (S. 2782)

To amend the Interstate Commerce Act to authorize an appropriation for the Office of Rail Public Counsel for fiscal year 1979.

Summary

This legislation would have authorized funding in the amount of $2,200,000 for the Office of Rail Public Counsel. This Office is responsible for representing affected communities and users of rail services in railroad proceedings before the Interstate Commerce Commission. The Office of Rail Public Counsel does not supplant the basic functions of the Commission in either determining the legal and factual issues in assigning the relative weight to the issues in any case or in deciding whether a particular course of action is consistent with the public interest. Rather, the Office seeks out those communities and users of rail services affected by a particular ICC rail proceeding who would not otherwise have professional legal representation.

Legislative history

Public hearings on the fiscal year 1979 authorization of appropriations for the Office of Rail Public Counsel were held on April 4, 1978, by the Subcommittee on Transportation and Commerce. Subsequently, on April 17, 1978, H.R. 12162 was introduced. The Subcommittee ordered the bill reported to the full Committee on Interstate and Foreign Commerce on April 18, 1978.

The Committee on Interstate and Foreign Commerce ordered H.R. 12162 reported to the House with an amendment on May 3, 1978 (H.Rept. 95-1174).

The House, under a suspension of the rules, on September 25, 1978, did not pass the bill.

UNITED STATES TRAVEL SERVICE AUTHORIZATION

(H.R. 11870)

To amend the act of July 19, 1940, to authorize an appropriation for the purpose of carrying out the domestic travel programs administered by the United States Travel Service and amend the International Travel Act of 1961 to provide increased public access to foreign branch offices established by the U.S. Travel Service.

Summary

The purpose of this legislation was to authorize an appropriation of $1,008,000 to enable the United States Travel Service (USTS) to carry out the domestic travel program for fiscal year 1979. The funds were earmarked in approximately equal amounts for domestic tourism development and research and analysis. Specifically, USTS intended to utilize the funds to inform and educate consumers and industry about travel and tourism opportunities and to collect local and national tourism data in order to evaluate ongoing USTS programs.

The legislation contained a provision requiring that foreign offices established by USTS be open to the public for the purpose of providing information regarding travel and tourism in the United States.

Legislative history

The Subcommittee on Transportation and Commerce held a public hearing on H.R. 11870 and H.R. 11869 on April 4, 1978 (Serial No. 95-123). The Subcommittee reported H.R. 11870 with an amendment to the full Committee on Interstate and Foreign Commerce on April 18, 1978.

The Interstate and Foreign Commerce Committee ordered H.R. 11870, as amended by the Subcommittee, reported to the House on April 25, 1978 (H. Rept. 95-1170). The House, under suspension of the rules, passed H.R. 11870 on September 25, 1978. The Senate amended certain House provisions on October 3, 1978. The Senate-amended bill failed to come for a vote on the House floor.

SUBCOMMITTEE ON CONSUMER PROTECTION AND FINANCE

Total bills referred to subcommittee	296
Public Laws	8
Legislative hearings:	
Number	18
Bills covered	46
Hours of sitting	182
Days of sitting	44
Oversight hearings:	
Number	8
Hours of sitting	76
Days of sitting	22
Legislative executive sessions:	
Number	4
Hours of sitting	8.5
Legislative mark-up sessions:	
Number	18
Hours of sitting	19

SUPPLEMENTAL APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION

PUBLIC LAW 95-20 (S. 1025)

To amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal 1977.

Summary

S. 1025 amends section 35 of the Securities Exchange Act of 1934 to provide a supplemental authorization to the Securities and Exchange Commission of $1.5 million, thereby increasing its total authorization for fiscal 1977 to $56.5 million.

Legislative history

Hearings were held on H.R. 3721 (Staggers-Devine) on March 10, 1977 (Serial No. 95-2) by the Subcommittee on Consumer Protection and Finance. See Appendix 2 for information on hearings. Subcommittee mark-up was held on March 22, 1977, and H.R. 3721 was reported to the full Committee. Full Committee mark-up was held on March 29, 1977, and S. 1025 was reported to the House in lieu of H.R. 3721. No written report was filed. S. 1025 was considered under the Suspension Calendar and subsequently passed the House on April 4, 1977. Approved April 13, 1977. Public Law 95-20.

APPROPRIATIONS FOR THE SECURITIES AND EXCHANGE COMMISSION FOR FISCAL YEAR 1978

PUBLIC LAW 95-211 (H.R. 3722)

To amend the Securities Exchange Act of 1934 to authorize specified amounts to be appropriated for the Securities and Exchange Commission for the Fiscal Year 1978.

Summary

H.R. 3722 amends section 35 of the Securities Exchange Act of 1934 to provide an authorization for the Securities and Exchange Commission for fiscal 1978 of $63.75 million.

Legislative history

Hearings were held on H.R. 3722 (Staggers-Devine) on March 10, 1977 (Serial No. 95–2) by the Subcommittee on Consumer Protection and Finance. See Appendix 2 for information on hearings. Subcommittee mark-up was held on March 22, 1977, and H.R. 3722 was favorably reported to the full Committee. Full Committee markup was held on H.R. 3722 on May 4, 1977, and the bill was reported to the House. Committee Report No. 95–288 was filed on May 11, 1977. H.R. 3722 was considered by the House under the Suspension Calendar and was subsequently passed on May 17, 1977. The Senate considered and amended H.R. 3722 on May 25, 1977. On July 19, 1977, the House disagreed with the Senate's amendment and requested conference and appointed conferees. The Senate agreed to conference and appointed conferees on November 3, 1977. A House-Senate conference was held on December 1, 1977, and a Conference Report, Serial No. 95–832, was signed. The Conference Report was agreed to by the Senate on December 6, 1977, and by the House on December 7, 1977. Approved December 19, 1977. Public Law 95–211.

UNLAWFUL CORPORATE PAYMENTS ACT OF 1977

PUBLIC LAW 95–213 (S. 305)

To amend the Securities Exchange Act of 1934 to make it unlawful for an issuer of securities registered pursuant to section 12 of such act or an issuer required to file reports pursuant to section 15(d) of such act to make certain payments to foreign officials and other foreign persons, and for other purposes.

Summary

The legislation requires U.S. companies subject to the jurisdiction of the SEC to make and keep books, records and accounts which, in reasonable detail, accurately and fairly reflect the transactions and dispositions of assets of the issuer. The Act also requires that these companies devise and maintain systems of internal accounting control sufficient to provide reasonable assurances that, among other things, transactions are recorded as necessary to maintain accountability for assets.

The focal point of the legislation is the provisions which make it unlawful for any U.S. company to use the means of interstate commerce in furtherance of an offer, payment, promise to pay or authorization of payment of anything of value, either directly or indirectly, to any foreign official, foreign political party, or candidate for foreign political office. The purpose of the payment must be to influence any act or decision of a foreign government official or to induce such official to use his influence to affect a government act or decision so as to assist U.S. companies in obtaining business. Facilitating payments made for the performance of primarily ministerial or clerical functions would not be reached by the Act. The penalties for violations of these provisions are up to $1,000,000 for corporations and $10,000 and/or five years imprisonment for any officer, director, employee, agent, or shareholder acting on behalf of the corporation.

Finally, the Act expands the disclosure requirements applicable to beneficial owners of more than five percent of a U.S. security. The SEC is required to report to the Congress within 30 months on the effectiveness of beneficial ownership reporting requirements.

Legislative history

Hearings were held on H.R. 3815 (Eckhardt) and H.R. 1602 (Murphy of N.Y. and Solarz) on April 20 and 21, 1977 (Serial No. 95–11) by the Subcommittee on Consumer Protection and Finance. See Appendix 2 for information on hearings. A Subcommittee mark-up was held on May 12, 1977, and unanimously reported to the full Committee. It was considered by the Full Committee on June 28 and September 20, 1977. H.R. 3815 was ordered reported by the full Committee on September 20, 1977, and Committee Report, Serial No. 95–640, was filed on September 28, 1977. On November 1, 1977, the House passed H.R. 3815 under suspension of rules by a voice vote. H.R. 3815 was laid on the table and the Senate bill (S. 305) as amended by the House was passed in lieu on November 1, 1977. On November 3, 1977, the House insisted on its amendments and selected conferees. Senate conferees were also appointed on that same day. A House-Senate conference was held on December 1, 1977, and a conference report, Serial No. 95–831, was signed. The Conference Report was agreed to by the Senate on December 6, 1977, and by the House on December 7, 1977. Approved December 19, 1977. Public Law 95–213.

SECURITIES INVESTOR PROTECTION ACT AMENDMENTS OF 1978

PUBLIC LAW 95–283 (H.R. 8331)

To amend the Securities Investor Protection Act of 1970, and for other purposes.

Summary

The legislation substantially amends the Securities Investor Protection Act of 1970 to streamline the liquidation procedures for insolvent broker-dealers, and to reduce the expense and administrative complexity of the process. The legislation doubles the amount of protection for customers' cash and securities in the possession of a broker-dealer to $40,000 and $100,000, respectively. In addition, the legislation seeks to satisfy more adequately customers expectations by providing them upon liquidation with the same mix of cash and securities that was in their account at the time of their broker's insolvency.

The legislation extends the effective date of section 11(a) of the Securities Exchange Act of 1934 from May 1, 1978, to February 1, 1979. The section prohibits a member of a national securities exchange from effecting any transaction on the exchange for the members own account, the account of a person associated with a member or an account with respect to which a member or an associated person exercizes investment discretion.

Finally, the legislation amends section 3(b) of the Securities Act of 1933, to permit the Securities and Exchange Commission to exempt public offerings not exceeding $1.5 million from the registration provisions of the Act.

Legislative history

Hearings were held on H.R. 8331 on August 1, 2 and 3, 1977 by the Subcommittee on Consumer Protection and Finance. A Subcommittee mark-up was held on September 7, 1977, and H.R. 8331 was reported to the Full Committee. H.R. 8331 was favorably considered by the Full Committee on September 27, 1977, and Committee Report No. 95–746 was filed on October 26, 1977. The legislation was placed on the Suspension Calendar and considered and subsequently passed by the House on November 1, 1977. On November 3, 1977, H.R. 8331 was referred to the Senate Committee on Banking, Housing, and Urban Affairs. It was amended and was subsequently passed by the Senate on April 26, 1978. On May 2, 1978, the House agreed to Senate amendments 1–7, agreed to Senate amendment 9 with an amendment and asked for a conference. The Senate agreed to House amendment to Senate amendment 9 with an amendment and insisted on its amendment 8 on May 4, 1978. On May 9, the House receded and concurred with Senate amendment 8 with an amendment and agreed to Senate amendment to House amendment to Senate amendment 9. The Senate agreed to House amendment to Senate amendment 8 on May 10, 1978. Approved May 21, 1978. Public Law 95–283.

EMERGENCY INTERIM CONSUMER PRODUCT SAFETY RULE ACT OF 1978

PUBLIC LAW 95–319 (S. 2401)

To amend the Consumer Product Safety Act to establish an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of certain insulation, and for other purposes.

Summary

H.R. 11998 establishes an interim mandatory consumer product safety rule to protect against flammable and corrosive cellulose home insulation. The bill adopts the existing Government Services Administration standard, with the one exception that home insulation must have a 0–25 flame spread rating while the GSA standard permitted a 0–50 flame spread rating. The bill sets out specific procedures for incorporating future GSA revisions into the mandatory standard. The standard became effective 45 days after the legislation was enacted, and it will be enforceable in the same manner as any standard issued under the Consumer Product Safety Act.

Legislative history

The Subcommittee on Consumer Protection and Finance held hearings on H.R. 10637 and S. 2401 on February 28, 1978. The Subcommittee met in mark-up session on the legislation on April 6, reporting the legislation to the Full Committee with amendments. The Subcommittee requested a clean bill be introduced and H.R. 11998 was introduced on April 11, 1978. Full Committee mark-up was held on April 25, 1978, and H.R. 11998 was favorably reported to the House. Committee Report No. 95–1116 was filed on May 4, 1978. H.R. 11998 was placed on the Suspension Calendar and the House considered the legislation on May 16, 1978, passing in lieu thereof S. 2401 which was amended to contain the language of H.R. 11998. On May 23, 1978, the Senate disagreed with the House amendments to S. 2401, requested a conference and appointed conferees. The House insisted on its amendment and agreed to a conference on June 6, 1978. A conference was held and an agreement reached on June 15, 1978. Conference Report No. 95–1322 was filed on June 28, 1978, with the House and Senate agreeing to the Report on June 29, 1978. Approved July 11, 1978. Public Law 95–319.

AND EXCHANGE COMMISSION AUTHORIZATIONS FOR FISCAL YEAR 1979–81

PUBLIC LAW 95–425 (H.R. 11567)

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curities and Exchange Commission for fiscal years 1979–1981, and
purposes.

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for fiscal years 1979 and 1980 of $69 and $70 million,

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million from the registration provisions of the Act.

story

mmittee on Consumer Protection and Finance held hear-
. 11119 and H.R. 11140 on March 1 and 2, 1978. Sub-
ark-up was held on March 9 and both bills were favor-
l to the Full Committee. The Full Committee considered
ly reported H.R. 11119 and H.R. 11140 to the House on
978. On March 22, 1978, the Full Committee considered
a bill introduced after Subcommittee mark-up which
the Subcommittee amendments to H.R. 11140 and the
11119, and favorably reported the legislation to the House.
Report No. 95–1010 was filed on March 30, 1978. The
as placed on the Suspension Calendar, considered and
pril 4, 1978. On August 9, 1978, H.R. 11567 was consid-
ed and passed by the Senate. The House agreed to the
dment on September 7, 1978, and further amended the
he Senate agreed to the House amendment to the Senate
on September 20, 1978. Approved October 6, 1978. Public

N OF TWO STUDIES OF MAGNUSON-MOSS RULEMAKING

PUBLIC LAW 95–558 (S. 3595)

end the Magnuson-Moss Warranty-Federal Trade Commission
ent Act to extend the filing date of a study of rulemaking proce-
er section 18 of the Federal Trade Commission Act.

to Public Law 94–299, the Federal Trade Commission and
trative Conference of the United States were scheduled
ports on the impact of the new rulemaking procedures
y the Magnuson-Moss Warranty-Federal Trade Commis-
ement Act by July 5, 1978. However, because the rules
onger to process than expected, the first rule was not fully
ntil the spring of 1978. Therefore, in order to have a
f completed rules so that the study would be more mean-
egislation was enacted to extend the filing deadline to
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Legislative history

The Subcommittee on Consumer Protection and Finance held hearings on H.R. 12563 on June 15, 1978. A Subcommittee mark-up was held on August 15, 1978, and the legislation was favorably reported to the Full Committee. The Senate passed S. 3593, the companion bill to H.R. 12563, on October 12, 1978. On October 13, 1978, the House considered and passed S. 3593. S. 3593 was approved by the President on November 1, 1978. P.L. 95–558.

AUTHORIZATIONS AND OTHER AMENDMENTS TO THE CONSUMER PRODUCT SAFETY ACT

PUBLIC LAW 95–631 (S. 2796)

To amend the Consumer Product Safety Act to extend the authorization of appropriations contained in such Act, and for other purposes.

Summary

Section 1 of S. 2796 amends the Consumer Product Safety Act to authorize appropriations for the Consumer Product Safety Commission of $55 million, $60 million, and $65 million for fiscal years 1979, 1980, and 1981 respectively.

Section 2 provides that the Chairman of the Commission serve at the pleasure of the President and with the advice and consent of the Senate. It would also permanently reactivate the accountability provision, which permits suits against the Commission for any misrepresentation, deceit, or gross negligence.

Sections 3 and 4 provide for more flexibility in the Commission's safety standard development procedures by allowing the Commission, instead of a third party, to coordinate a safety standard development effort. These two sections will result not only in cost savings and expedited standard development, but should also produce higher quality standards because the Commission will be working directly with interested business and consumer groups.

Section 5 streamlines the Commission's procedures for adopting existing voluntary standards which address unreasonable risks of injury. The provision permits the Commission to publish as a proposed rule any existing standard, standards, or combination of provisions from several standards which adequately address an unreasonable risk.

Sections 6, 7 and 8 modify the Commission's authority over exports under the Consumer Product Safety Act, the Federal Hazardous Substances Act, and the Flammable Fabrics Act, respectively. Those provisions amend those Acts to authorize the Commission to ban the exportation of any product, substance or fabric which presents an unreasonable risk of injury to persons residing within the United States. In addition, the sections amend those Acts to require that any person exporting a product, substance or fabric which is not in compliance with a final consumer product safety standard must give the Commission 30 days advance notice of such exportation. Upon receipt of the notification, the Commission must promptly advise the involved foreign government of the shipment.

Section 9 amends the Federal Hazardous Substances Act to allow the Commission to use a closed-cup test in determining flammability classifications.

ction 10 amends the Federal Hazardous Substances Act to estab-
a Toxicological Advisory Board to provide the Commission with
nical assistance on first-aid instructions for toxic household
ucts.

nally, section 11 requires the Commission to study and make
nmendations regarding existing rules promulgated by the agency.

slative history

earings were held on H.R. 10819 by the Subcommittee on Con-
er Protection and Finance on February 24, 1978. The Subcom-
ee met in mark-up session to consider the legislation on April 25,
H.R. 10819 was reported with amendments to the Full Committee.
Subcommittee requested a clean bill and H.R. 12442 was intro-
d on May 1, 1978. The Full Committee met and subsequently
rted H.R. 12442 with amendments to the House on May 9, 1978.
mittee Report No. 95–1164 was filed on May 15, 1978. On
ber 4, 1978, the Rules Committee granted H.R. 12442 an open,
hour debate rule. H. Res. 1410, providing for the consideration of
12442, was discussed by the House on October 5, and on
ber 6, 1978, the House agreed to the resolution. The House began
te on H.R. 12442 on October 11, 1978, but failed to vote on the
ation. On October 14, 1978, unanimous consent was received for
House to call from the Speaker's table S. 2796, the Senate compan-
o H.R. 12442. The House considered, amended and subsequently
d S. 2796 on October 14, 1978. The Senate agreed to House
dment to S. 2796 on October 14, 1978. Approved November 10,
Public Law 95–631.

CONSUMER CONTROVERSIES

(S. 957)

To regulate commerce by establishing national goals for the effective, fair
expensive, and expeditious resolution of controversies involving consumers

nary

e bill established a Dispute Resolution Program within the
rtment of Justice. The three-part program consisted of a grant
ram to fund improvement of existing minor dispute resolution
anisms and formation of new and alternative mechanisms, the
ion of a Dispute Resolution Resource Center as a national clear-
use for information on such mechanisms, and the formation of
dvisory Committee to consult with the Attorney General on the
mentation of the bill. State and local governments and nonprofit
izations are eligible for grants so long as the dispute resolution
anisms they intend to fund comply with certain criteria estab-
in the bill. These criteria was designed to insure that the mech-
s are easy to use and are readily accessible to the ordinary
n. The maximum percentage of Federal funding available for an
dual project was decreased within the second and third year of
rogram and local funding would have to take its place

ative history

arings were held by the Subcommittee on Consumer Protection
Finance on July 20 and 21, 1978. Subcommittee mark-up was
n August 17, 1978, and S. 957, as amended by the Subcommittee,

was favorably reported to the Full Committee. The Full Committee considered the legislation and reported it to the House on September 26, 1978. Committee Report No. 95–1654 (Part 1) was filed on September 28, 1978. S. 957 was placed on the Suspension Calendar and considered by the House on October 10, 1978. The House failed to suspend the rules and pass the legislation on October 12, 1978.

Fire Prevention Study Act of 1978

(H.R. 7684)

To amend the Flammable Fabrics Act to require the Secretary of Commerce to study the necessity and feasibility of establishing Federal standards relating to five prevention and control.

Summary

H.R. 7684 amended the Flammable Fabrics Act to require the Secretary of Commerce, acting through the Administrator of the National Fire Prevention and Control Administration, to evaluate the provisions of, and enforcement of, State and local fire prevention codes. In addition, the Secretary was required to study the necessity and feasibility of establishing Federal fire safety and control standards and/or a Federal assistance program to aid State and local governments in the enforcement of their fire prevention codes. The legislation authorized an appropriation of $500,000 to fund the study.

Legislative history

The Subcommittee on Consumer Protection and Finance held two days of hearings on the legislation. The first day was held in Washington, D.C. on July 29, 1977, and the second day of hearings were field hearings in Cincinnati, Ohio, on September 19, 1977. A Subcommittee discussion was held on the legislation on February 16, 1978, with a Subcommittee mark-up to follow on February 23, 1978. The legislation was reported to the Full Committee with amendments on February 23, 1978. The Full Committee met and favorably reported without amendments to the House on March 15, 1978. Committee Report No. 95–989 Part I was filed on March 20, 1978.

Federal Trade Commission Amendments of 1977

(H.R. 3816)

To amend the Federal Trade Commission Act to expedite the enforcements of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters, and for other purposes.

Summary

Section 2 was designed to end unnecessarily long and complicated court battles over the FTC's authority to collect business information. It would have achieved this objective by increasing penalties for failure to comply with an FTC subpoena or compulsory process order from the present $100 a day (a figure set in 1914) to a range from $0 to $5,000 a day. In determining the amount of any civil penalty, the court would take into account the reasonableness and good faith of any noncompliance by a party. In addition, section 2 challenges by a noncomplying company to FTC process to situations in which the company's failure to comply would actually place it in jeopardy of being fined.

Section 4 made FTC cease and desist orders effective 60 days after notice of the order was served upon the respondent unless the order was stayed by the FTC or the relevant court.

Section 5 restricted appeals from Commission cease and desist orders to the circuit courts located where a person resides or maintains his principal place of business or the Court of Appeals for the District of Columbia. This provision reduced the temptation to forum shop. Both section 4 and 5 brought the FTC Act into conformance with the statutes of most other Federal agencies.

Section 6 authorized the FTC to seek equitable relief from a court (including the appointment of a trustee or receiver) to prevent a company from wasting its assets to avoid redressing consumers for violations of the Federal Trade Commission Act.

Section 7 created a private right of action for persons injured by violations of FTC rules and orders. Before a rule or order could be the basis for a private suit, the FTC first would have to designate it as being appropriate for such suits. Under section 7, classes of persons njured by the same violation could join together and bring a class uit for redress. The provision specified procedures for providing notice o members of a class. Injured consumers could ask the court to require he defendant to refund money, return property, rescind a contract, r take any other action necessary to compensate the consumer for is or her losses.

Section 8 prohibited White House clearance of top policymaking ositions at the FTC; while section 9 provided for concurrent submission of legislative and budgetary recommendations to the Office of Management and Budget and the Congress.

Section 10 required the Commission to respond either affirmatively r negatively to any petition to initiate a rulemaking proceeding within 20 days of the date of receipt.

Section 12 extended to savings and loan institutions the same exemption from FTC regulation that banks presently enjoy.

Finally, section 13 authorized $63 million for fiscal year 1978 and 70 million for fiscal 1979.

egislative history

Hearings were held on H.R. 3816 (Eckhardt), H.R. 2483 (Murphy f New York) and H.R. 1767 (Eckhardt) on March 8, 9, 15, 16 and pril 26, 1977, by the Subcommittee on Consumer Protection and inance (Serial No. 95–36). See Appendix 2 for information on hearngs. Subcommittee mark-up was held on March 29, 30, April 5, 6, nd 18, 1977. H.R. 3816, as amended by the Subcommittee, was eported on April 18, 1977. Full Committee mark-up was held on May , 5, 10 and 11, 1977. On May 11, 1977, H.R. 3816, as amended by the ll Committee, was favorably reported to the House. Committee eport No. 95–339 was filed on May 16, 1977. H.R. 3816 was granted n open, one hour debate rule by the Rules Committee on July 27, 977. The House considered the legislation on October 3 and 13, 1977. n October 13, 1977, it passed the House with amendments. H.R. 3816 as sent to the Senate on October 14, 1977, and on October 17, 1977, was placed on the Senate calendar. On October 20, 1977, H.R. 3816, s amended by the Senate, passed the Senate. On January 24, 1978,

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the House disagreed to the Senate amendments, requested conference and appointed conferees. The Senate insisted on its amendments, agreed to conference and appointed conferees on January 25, 1978. Conferences were held on February 1 and 8, 1978. The Conference Report No. 95–892 was filed on February 22, 1978, and agreed to by the Senate. On February 28, 1978, the House failed to agree to the Conference Report, insisted on its disagreement to the Senate amendment, and requested further conference with the Senate and appointed conferees. On August 11, 1978, the Senate insisted on its amendments and agreed to a further conference. An additional conference was held on August 15, 1978. The Conference Report No. 95–1557 was filed on September 8 and the Senate agreed to it on September 11, 1978. The House rejected the Conference Report on September 28, 1978.

National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act Appropriations

(H.R. 11286)

To amend the National Traffic and Motor Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for Fiscal Years 1979 and 1980.

Summary

The bill provided authorizations of appropriations as follows:

National Traffic and Motor Vehicle Safety Act of 1966—$60,000,000 for fiscal year 1979, $60,000,000 for fiscal year 1980, and $70,000,000 for fiscal year 1981.

Title I of the Motor Vehicle Information and Cost Savings Act—$400,000 for fiscal year 1979, $400,000 for fiscal year 1980, and $450,000 for fiscal year 1981.

Title II of the Motor Vehicle Information and Cost Savings Act—$2,000,000 for fiscal year 1979, $2,400,000 for fiscal year 1980, and $3,000,000 for fiscal year 1981.

Title III of the Motor Vehicle Information and Cost Savings Act—$1,200,000 for fiscal year 1979, $1,400,000 for fiscal year 1980, and $1,800,000 for fiscal year 1981.

Title IV of the Motor Vehicle Information and Cost Savings Act—$3,000,000 for fiscal year 1980 and $360,000 for fiscal year 1981.

Title V of the Motor Vehicle Information and Cost Savings Act—no authorization necessary.

Legislative history

The Subcommittee on Consumer Protection and Finance held hearings on H.R. 11286 on February 15, 27 and March 3, 1978. A Subcommittee mark-up was held on April 6 and the legislation was reported with amendments to the Full Committee. The Full Committee considered and favorably reported H.R. 11286 to the House on April 25, 1978. Committee Report No. 95–1162 was filed on May 15, 1978.

AMENDMENT TO THE TOXIC SUBSTANCES CONTROL ACT

(H.R. 12441)

To amend the Toxic Substances Control Act to increase the authorization of appropriations contained in such Act.

Summary

H.R. 12441 amended the Toxic Substances Control Act to increase the authorization level for fiscal year 1979 to cover the Administration's budget request for the toxic substances program. The bill would have raised the 1979 authorization from $16.2 million to $50 million.

Legislative history

Hearings were held on H.R. 12441 by the Subcommittee on Consumer Protection and Finance on April 26, 1978. Subcommittee markup was held on May 3 and on May 4 the Subcommittee favorably reported the legislation to the Full Committee. On May 12, the Full Committee met and subsequently reported H.R. 12441 to the House. Committee Report No. 95–1163 was filed on May 15. H.R. 12441 was placed on the Suspension Calendar and on June 12, 1978, the House failed to suspend the rules and pass the legislation. On October 4, 1978, H.R. 12441 was granted an open rule with one hour of general debate by the Rules Committee. The House considered H. Res. 1409 which provided for the consideration of the legislation on October 5 and on October 6, 1978, agreed to H. Res. 1409.

LEGISLATIVE STUDIES AND INQUIRIES

REVIEW AND STUDY OF LEGISLATION WITHIN THE COMMITTEE'S JURISDICTION [1]

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Hon. John E. Moss, Chairman

The Committee established the Subcommittee on Oversight and Investigations on February 26, 1976, in order to carry out more effectively the duties imposed upon the standing committees of the Congress by Section 136 of the Legislative Reorganization Act of 1946 and the Rules of the House. The Subcommittee is also carrying on the work of the Special Subcommittee on Investigations which the Committee established in the 88th Congress, which succeeded the Special Subcommittee on Regulatory Agencies established in the 87th

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[1] Pursuant to provisions of House Rule X 2(b)(1):

"Each standing committee (other than the Committee on Appropriations and the Committee on the Budget) shall review and study, on a continuing basis, the application, administration, execution and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that committee and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, each such committee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of that committee (whether or not any bill or resolution has been introduced with respect thereto, and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of that committee . . ."

Congress which, in turn, succeeded the Special Subcommittee on Legislative Oversight in the 85th and 86th Congresses.

The Subcommittee on Oversight and Investigations engages in a wide variety of inquiries and studies addressing the adequacy of present law, its administration and the need for new legislation.

Major areas of responsibility include reviewing the operations and procedures of regulatory agencies; assessing new legal and technological developments to determine their legislative significance; and, making these investigative findings available to the full committee and its subcommittees to expedite the formulation and enactment of new laws to correct inadequacies in the existing ones. The Subcommittee's activities are designed to discharge the obligations imposed by Rule X of the House of Representatives which specifies that each standing committee shall review and study, on a continuing basis, the application, administration, and execution of the laws within its jurisdiction.

During the 95th Congress, the Subcommittee focused on three areas of particular concern to the Committee and the Congress—energy, health and other regulatory activities within the Committee's jurisdiction. In pursuit of investigations in these areas, the Subcommittee held 112 days of hearings, published 30 sets of hearings consisting of thousands of pages of testimony, published 13 reports and has 11 reports in process, and several major areas under investigation.

ENERGY

During the second half of the 95th Congress, the Subcommittee, in keeping with its oversight responsibilities with regard to the newly established Department of Energy (DOE), conducted two in-depth investigations of DOE activities relating to motor gasoline and the Trans Alaska Oil Pipeline while maintaining a continuous oversight presence with regard to the daily operation of DOE. The latter resulted in a series of letters and telephone calls from the Subcommittee on numerous issues including energy information, conservation, supply and demand. The Subcommittee additionally conducted major investigations concerning violations of oil pricing regulations, cellulose home insulation and residential solar hot water heating.

In the first half of the 95th Congress, the Subcommittee, among other things, investigated natural gas supplies, the international uranium cartel, Federal Power Commission (FPC) personnel actions, electric utility rate reform and uranium exploration and development on federal lands.

Highlights of the Subcommittee's energy work are as follows:

Trans Alaska Oil Pipeline—TAPS

On June 26 and 27, 1978, joint oversight hearings were held with the Subcommittee on Energy and Power on the effectiveness of DOE's intervention in rate proceedings before the Federal Energy Regulatory Commission which will establish transportation tariffs for the Trans-Alaska Pipeline System. DOE officials who testified included the Secretary of Energy and the Administrator of the Economic Regulatory Administration.

These hearings demonstrated that DOE's performance, as spokesman for the national energy interest, suffered from poor management, the lack of established internal procedures and policies and the lack of trained technical experts. The Subcommittees also reviewed the decisionmaking process which led to the Secretary's rejection of consultant testimony which had been prepared with public funds and was acknowledged to be a professionally sound product.

Foreign Commission Payments: Oil Imports

On October 3, 1978, the Subcommittee held hearings which focused on pricing violations of DOE regulations stemming from the importation of petroleum and petroleum products during the OPEC oil embargo. These hearings examined a chain of import transactions involving the payment in commissions of over eight million dollars by a U.S. company to a Bermuda firm, and the enforcement actions of DOE's Special Counsel related thereto.

Motor Gasoline

The Subcommittee took the lead this past summer and fall in challenging the DOE's decision to proceed with motor gasoline decontrol without preparing an Environmental Impact Statement as required by the National Environmental Policy Act. The Subcommittee in hearings and in a report, while not taking a position on gasoline decontrol *per se*, noted the myriad deficiencies and contradictions included in the Department's report on gasoline decontrol. The DOE is currently redrafting its gasoline decontrol proposal and preparing an Environmental Impact Statement.

Cellulose Home Insulation

Subcommittee hearings and a report on the hazards of poorly manufactured cellulose insulation were relied on by the House in passing legislation sponsored by Representative Toby Moffett that sets realistic standards for cellulose home insulation to be administered by the Consumer Product Safety Commission.

Solar Home Hot Water Heating Systems

The Subcommittee mindful of increased public demand for solar hot water heating systems conducted an in-depth investigation and issued a report on the energy saving potential of such systems and the problems frequently encountered by consumers caused by poorly designed, manufactured or installed systems.

Uranium Lode Mining Claims on Federal Lands

Hearings on October 13, 14 and 17, 1977, focused on abuses of the Federal Mining Act of 1872. Witnesses included independent claimstakers, state law enforcement officials and representatives of major energy companies and public utilities.

The hearings revealed that the exploration and development of literally millions of acres of Federal mineral lands are being impeded by unscrupulous land speculators who are filing false affidavits, in violation of state criminal laws, to gain and keep control of potentially valuable mineral lands. Recommendations for reform include changes in the mining law as well as stronger enforcement actions by state and federal authorities.

Behind-the-pipe Natural Gas Reserves

A Subcommittee investigation regarding Texaco's failure to produce significant quantities of behind-the-pipe natural gas (i.e., known nonproducing gas reserves penetrated by a well) in a major offshore field was followed by an order from the Secretary of the Interior to Texaco ordering the drilling of a significant number of wells to produce certain behind-the-pipe gas.

HEALTH

The Subcommittee has been conducting a major study on health care as part of the federal government's increasing involvement in national health insurance. The major purpose of this study is to uncover problem areas and to propose legislation and administrative remedies within the current health care delivery system.

Unnecessary Surgery

In April, May, October, and November, 1977, hearings were held on unnecessary surgery. Continuing its investigation from the 94th Congress, the Subcommittee has attempted to gather additional information on the amount of unnecessary surgery and possible solutions to this quality of care issue. The Subcommittee used two eminent physicians as consultants to determine the validity of a study published in the New York Journal of Medicine showing only one percent unnecessary surgery. This study has been cited by organized medicine to contest previous Subcommittee work on this topic. A report on this topic is forthcoming.

Nursing Homes

On March 15 and 16, 1978, the Subcommittee held hearings on "Fraud and Abuse in Nursing Homes." The hearings focused on the failure of facilities in Texas to comply with Federal and State regulations, Medicaid/Medicare fraud in nursing homes in New York, and drug overutilization in California.

The Subcommittee also prepared a questionnaire which was sent to a sample of pharmacists in New York and Texas concerning kickback arrangements between pharmacists and nursing home operators and owners. That survey formed the basis of a Subcommittee report entitled "Fraud and Abuse in Nursing Homes: Pharmaceutical Kickback Arrangements" which found that knowledge of kickbacks was widespread.

Cancer and the Environment

The Subcommittee held a number of hearings on various aspects of cancer and the environment ranging from beauty aids to the water we drink.

On April 13, 1977, the Subcommittee held a hearing in Cincinnati, Ohio, on "Carbon Tetrachloride Contamination of Public Drinking Water." The hearings focused on spills into the Ohio River and the ability of the Environmental Protection Agency (EPA) to monitor water quality and to take appropriate and timely action when necessary. This hearing resulted in a report entitled "Carbon Tetrachloride Contamination of the Ohio River: A Case Study on Federal Efforts to Ensure that Availability cf Safe Drinking Water." That report found that EPA has not vigorously protected the public from organic chemical contaminants in drinking water and that the FMC Corporation failed to eliminate spills from its carbon tetrachloride facility, thus contributing to the high levels of the chemical found in the river.

On May 11, 13, and 16, 1977, the Subcommittee held hearings on the use of the flame-retardant Tris in children's sleepwear entitled "Regulation of Cancer-Causing Flame-Retardant Chemicals and

Governmental Coordination of Testing of Toxic Chemicals." The hearings focused on the dangers posed by exposure to Tris and the responsibility of industry for the safety of its products. The hearing resulted in a report published in August of 1978 entitled "Consumer Product Safety Commission's Regulation of Tris: The Need for an Effective Chronic Hazards Program." This report found that the Consumer Product Safety Commission (CPSC) failed to investigate the hazards posed by Tris or take action in a timely fashion. The Subcommittee also found that Michigan Chemical Company failed to adequately test Tris for safety and made misleading statements to the CPSC and the general public.

On August 2 and 3, 1977, the Subcommittee held hearings on the "Adverse Effects of Polybrominated Biphenyls (PBB's)." The hearings focused on the hazards posed by PBB's to animals and humans, actions taken by Velsicol Corporation, and regulation by the Michigan Department of Health, the Food and Drug Administration (FDA), and the Environmental Protection Agency.

On September 19 and 23, 1977, hearings were held on the use of "Antibiotics in Animal Feeds." The hearings focused on the use of penicillin, tetracycline, and sulfonamides in animal feeds and whether it presents a risk of developing immunities to these drugs to humans. The hearings resulted in the FDA's issuing proposed regulations prohibiting the use of penicillin for growth promotion in animal feeds and limiting the subtherapeutic use of tetracycline in animal feeds.

On January 23 and 26 and Februry 2 and 3, 1978, the Subcommittee held hearings on "Cancer-Causing Chemicals—Part 1: Safety of Cosmetics and Hair Dyes." The hearings focused on the adequacy of existing law to protect the public from cancer-causing and toxic chemicals in hair dyes and cosmetics. Due to these hearings, one of the ingredients named by the Subcommittee as being cancer-causing, 4-methoxy-m-phenylenediamine (also known as 2,4 diamino anisole or 2,4 DAA), has been removed by Clairol from their products. A report on this subject is in progress.

On February 14, 16, and 24, 1978, hearings were held on "Cancer-Causing Chemicals—Part 2: Chemical Contamination of Food." The hearings focused on the ability of the EPA, FDA, and USDA to protect the public from cancer-causing or toxic chemicals in food. A report entitled "Cancer-Causing Chemicals in Food" is forthcoming.

Child Health Care

On August 31, 1977, the Subcommittee held a hearing in Los Angeles, California, on "National Child Immunization Programs." The hearing centered on the measles epidemic in California and the ability of State and Federal agencies to immunize children and deal with major outbreaks of childhood diseases.

Surgery in the Medicaid Program

In July of 1977, the Subcommittee issued a staff report entitled "Background Report on Surgery in State Medicaid Programs." This report was the result of a questionnaire to the fifty-three States and jurisdictions participating in the Medicaid program. The report found that the rate of surgery was twice as high for Medicaid recipients as for the population as a whole and that greater public accountability was needed at the State and Federal levels. The report also recommended uniform reporting and accounting of surgery performed under the auspices of Medicaid.

A Subcommittee report will be released in December, 1978 on another survey done of State Medicaid agencies and fiscal agents.

Utilization Review

In July of 1977, the Subcommittee published the report of a Yale Study Group entitled "Background Report on Professional Standards Review Organizations." That report recommended that pre-admission certification be required for all elective surgical admissions of Federal patients, that the admission certification process be "streamlined," and that denial of coverage be applied equally to physicians as well as hospitals in cases where excessive or inappropriate care has been detected.

Blue Shield

On March 21 and 22 and April 5, 6, and 7, 1978, the Subcommittee held hearings entitled "Skyrocketing Health Care Costs: The Role of Blue Shield." The hearings focused on doctor domination of the boards of directors of Blue Shield plans, conflicts of interests of board members, lack of cost containment initiatives among Blue Shield plans, and the role of Blue Shield in the marketplace including its part in Medicare and Medicaid administration. A report on conflicts of interest will be released in December, 1978.

Drugs

On September 8 and 12, 1978, the Subcommittee held hearings on generic drugs entitled "'Man-in-the-Plant'—FDA's Failure to Regulate Deceptive Drug Labeling." The hearings focused on the practice whereby a brand name drug company contracts for a generic manufacturer to produce a particular drug product for him. However, as the brand name manufacturer has a supervisor or "man-in-the-plant" present at the time of manufacture, he is allowed to use the brand name company on the label. The hearings showed not only is this practice deceptive but costly to the American consumer as the brand name products may cost five times as much as the same product with the generic label.

Other Regulatory Oversight

Federal Trade Commission

The main Federal Trade Commission (FTC) oversight activity during the 95th Congress was a detailed staff review of FTC enforcement and compliance activities. The review, completed in late September 1978, dealt with a variety of topics, including the Commission's use of its injunctive authority under Section 13(b) of the FTC Act, consumer redress under 15 USC Section 19(a)(2), methods for ensuring compliance with Commission cease and desist orders (including the prosecution of civil penalty actions under 15 USC Section 45(1)), and the Commission's newly revised Operating Manual. Other FTC oversight projects related to delay of adjudicative opinions pending before the Commission, the FTC's handling of the Lowenbrau beer case, and the FTC's proposed rule concerning confidential treatment for sensitive commercial data.

Federal Communications Commission

A Federal Communications Commission (FCC) oversight presence was maintained by a review of certain FCC license renewal proceedings, an inquiry concerning the adequacy of New Jersey television coverage, examination of certain FCC policies implementing the Freedom of Information Act, and a review of the status of the FCC's network inquiry. In addition, an investigation was conducted into certain allegations that the Public Broadcasting Service was engaged in racially discriminatory hiring practices.

Environmental Protection Agency

During the 95th Congress, the Subcommittee conducted several investigations and hearings in fulfillment of its over-sight responsibility over the Environmental Protection Agency (EPA). This major subcommittee investigation concerning EPA focused on one EPA program in particular: pesticide tolerance setting. Hearings were held on the effectiveness of EPA's pesticide tolerance-setting program on February 14, 16, and 24, 1978. At these hearings the Subcommittee exposed deficiencies in the EPA program. The Subcommittee also scrutinized the enforcement of tolerances by the Food and Drug Administration and the U.S. Department of Agriculture. A report, including the subcommittee's findings, conclusions and recommendation for needed changes in EPA's pesticide program, is currently before the Subcommittee.

In addition to this investigation, the Subcommittee has been tracking EPA's safe drinking water, clean air, and toxic substance programs.

The Subcommittee has also recently held hearings on the EPA's hazardous waste program. Since last spring, the subcommittee has been reviewing EPA's implementation of the Resource Conservation and Recovery Act, which directs EPA to establish regulations for the proper disposal of hazardous wastes. On October 30, 1978, the Subcommittee held hearings on this topic. At that time, we demonstrated that EPA has violated the spirit and letter of the law. We pointed out that EPA had failed to issue regulations as required by the Act and was refusing to use the powers Congress had entrusted to it to protect the public from imminent health risks resulting from the improper disposal of hazardous wastes. The Subcommittee's investigation into this matter will continue next Congress.

Interstate Commerce Commission

Over the past two years, the Subcommittee has conducted two major investigations related to its oversight responsibilities over the Interstate Commerce Commission (ICC). The Subcommittee has jurisdiction only over the railroad regulatory responsibilities of the ICC and therefore cannot review the ICC's regulation of trucks.

One of the investigations the Subcommittee conducted involved irregularities at CONRAIL that had resulted in thousands of undeliverable W-2 Forms. In a second investigation the Subcommittee explored the effect of special railroad company insurance pacts on the bargaining strength of the parties involved in the labor disputes.

The Subcommittee's CONRAIL investigation was initiated to ascertain whether any phantom employees were on the CONRAIL payroll. The Subcommittee cooperated with the ICC and Justice

Department, and utilized personnel from the General Accounting Office to conduct the inquiry. After many weeks of review, the Subcommittee staff determined that CONRAIL's bookkeeping was completely inadequate. Although the existence of phantom employees could be proven, the Subcommittee could not be sure that illegal practices were not taking place or would not take place in the future unless CONRAIL improved its procedures.

The Subcommittee's investigation into the use of insurance pacts by railroads continues. However, to date, the Subcommittee has been able to establish that these mutual assistance pacts have a major impact on rail-labor disputes. Although it seems unlikely that these pacts, which actually assure railroad companies income while they are out on strike, are in violation of the Rail Labor Act, they may have a major effect on the length of the strike and the willingness of the parties to settle.

Consumer Product Safety Commission

The Subcommittee has conducted several oversight investigations concerning the Consumer Product Safety Commission (CPSC). The most notable is covered in the health section report and involved the Commission's regulation of TRIS and other consumer products that pose potential chronic hazards to consumers. In addition, the Subcommittee held four days of oversight hearings in conjunction with the Subcommittee on Consumer Protection and Finance concerning CPSC's overall performance. The hearings focused on the degree to which the CPSC is fulfilling its mandate to protect consumers from unreasonable risks of death, injury, or serious or frequent illness associated with the use of exposure to consumer products. The Subcommittee also conducted an investigation into the travel practices of CPSC commissioners. This investigation revealed that proper regulations for controlling commissioner travel are still lacking.

Nuclear Regulatory Commission

As part of the Subcommittee's review of the nuclear waste problems confronting the nation hearings were held on July 31 and August 1, 1977 concerning the availability of nuclear spent fuel storage capacity. Due to the uncertain quality of the data received from the Energy Research and Development Administration (now a part of the Department of Energy), the Subcommittee requested that each utility with at least one reactor submit specific information on the spent fuel storage requirements and present and planned storage capacities of each reactor within its system. The results of the survey indicated that a federal spent fuel storage facillty should be made operational by January 1, 1981, to avoid the need for costly individual solutions to the lack of storage space.

National Institute on Drug Abuse

Contracting irregularities and conflicts of interest at the National Institute on Drug Abuse (NIDA) were examined by the Subcommittee at a hearing on July 31, 1978. The Subcommittee found that the failure of NIDA officials to ensure total compliance with contracting regulations and procedures and their failure to be sensitive to the appearance of conflicts of interest resulted in the mismanagement of contracts and contract funds.

Securities and Exchange Commission

Joint oversight hearings between the Subcommittees on Oversight and Investigations and Consumer Protection and Finance held June 21, 22, 23, July 26, 27, and 28, 1977, on the functioning and administration of the Securities Acts Amendments of 1975 resulted in publication of a joint report. That report concluded: (1) that the Securities and Exchange Commission has not vigorously used its authority to facilitate the establishment of a national market system for securities; and (2) the SEC's approval of the merger of the Nation's major securities clearing corporations is not consistent with the national system for clearance and settlement as envisioned by the Congress. At the request of Subcommittee Chairman Moss and Senators Williams and Proxmire, the SEC instituted an investigation into the Sun Company takeover of Becton, Dickinson stock, a takeover in which the Sun Company, a multibillion dollar oil company, surreptitiously acquired controlling interest in Becton, Dickinson, a corporation engaged in the health care industry, through the purchase of large blocs of Becton, Dickinson stock from numerous institutional and individual shareholders. This investigation led to the SEC's initiating legal action against the Sun Company and other participants in the transaction, alleging six counts of violations of the federal securities laws.

National Highway Traffic Safety Administration

Safety of Firestone 500 Steel Belted Radial Tires

In April of 1978, reports from various sources (including National Highway Traffic Safety Administration (NHTSA) and the Center for Auto Safety) indicated that certain steel belted radial tires were failing at high rates, and that too many of these failures were resulting in injury and death to motorists. The ensuing investigation by the Subcommittee, which included four days of hearings held in May and July 1978, revealed that the Firestone 500 Steel Belted Radials presented an unreasonable risk of failure, and posed a substantial safety hazard. The Subcommittee issued a report in August of 1978, concluding that the high hazard failures of the Firestone 500 Steel Belted Radial would continue to occur and recommending that all those tires be recalled. The report further recommends that NHTSA continue to monitor Firestone's TPC radial and other tire lines to determine if recalls are warranted, and to upgrade Federal Motor Vehicle Safety Standard 109 to prevent a recurrence of the Firestone 500 Steel Belted Radial episode.

On November 29, 1978, NHTSA and Firestone signed an agreement providing that Firestone will recall an estimated 10 million Firestone 500 Steel Belted Radial tires, TPC's, and similar private brand tires manufactured by Firestone.

Multipiece Truck Wheel Assemblies

In the fall of 1978, the Subcommittee commenced an investigation into explosive separations of multipiece truck wheel assemblies. The purpose of the inquiry was to determine: (a) whether NHTSA had properly terminated its prior investigations of wheel assemblies (defect investigations had been closed in 1976); (b) how often separations occur, that result in injury and death to mechanics, truck drivers, and others; (c) whether NHTSA should reopen its investigations in this matter.

The Subcommittee determined that over 90 fatalities had resulted from explosive separations of multipiece truck wheel assemblies made by Kelsey-Hayes, Budd, Firestone, and Goodyear. Through persistent urging by the Subcommittee and in response to a petition by the Insurance Institute for Highway Safety, NHTSA decided in September 1978 to reopen its defect investigations of wheel assemblies manufactured by these four companies.

The subcommittee will continue to monitor NHTSA's defect investigations of wheel assemblies, and will continue to urge the Occupational Safety and Health Administration to develop a standard for in-shop maintenance of such assemblies.

Automotive Fuel System Integrity Standards

Throughout 1977 and through the early part of 1978, the Subcommittee monitored NHTSA closely to determine whether the agency was effectively enforcing compliance with Federal Motor Vehicle Safety Standard 301. This standard became effective in September 1976 and was designed to establish minimum performance levels with regard to fuel system integrity in rear-end collisions.

On May 8, 1978, NHTSA made an initial determination that a safety defect existed in 1.5 million Ford Pintos and 30,000 Mercury Bobcat automobiles manufactured between 1971 and 1976. Shortly thereafter, the Ford Motor Company announced a recall of the affected Pintos and Mercury Bobcats. The Subcommittee is monitoring this recall.

Use of human cadavers

A hearing in August 1978 discussed the decision of the National Highway Traffic Safety Administration to resume the use of human cadavers in automobile crash testing. At Chairman Moss' insistence, NHTSA has previously halted the use of cadavers pending a review by NHTSA and a special panel of the National Academy of Sciences of the need to use human cadavers in such testing. The Administrator of NHTSA assured the Subcommittee that all future testing would be done in accordance with strict new guidelines.

OTHER REGULATORY OVERSIGHT MATTERS

Accounting Profession Reforms

Partly in response to findings and recommendations of the Subcommittee in its regulatory reform report and the threat of Federal regulation, the American Institute of Certified Public Accountants (AICPA) established in September of 1977 a self-regulatory program for reform of the accounting profession and improved audits of public and private companies. Responsibility for effective audits of public companies rests with the SEC under Federal securities laws and oversight of the SEC rests with the Committee.

Hearings were held in January, February, March and July of 1978 to determine the adequacy of the AICPA self-regulatory measures and the effectiveness of SEC oversight over the accounting profession. Convinced that the AICPA structure perpetuated dominance of the profession by "Big 8" accounting firms, deterred competition, lacked effective disciplinary and disclosure procedures, and would not provide adequate protection for investors, the public and taxpayers, in addition to the SEC's reluctance to take a more aggressive oversight role, Chairman Moss and four other Members of the Subcommittee introduced H.R. 13175. The bill proposes the establishment of a National Organization of Securities and Exchange Commission Accountancy, a self-regulatory organization for the accounting profession, and a stronger and more effective oversight role for the SEC.

Life Insurance Marketing and Cost Disclosure

A major Subcommittee effort during the second session was an investigation into life insurance marketing and cost disclosure. Hearings were held on August 7, 14, and 15, 1978 and a report is now in progress. Associated with this project was a February 1978 letter to the GAO requesting that they conduct a questionnaire survey of state insurance commissioners to ascertain state regulatory duties and resources.

The life insurance hearings focused particularly on assertions that the insurance market was not operating properly and that consumers were being seriously injured as a result. Certain state regulatory initiatives were reviewed, and recent activities of the Federal Trade Commission in the life insurance area were also examined. The Subcommittee's hearings were intended to evaluate the adequacy of state controls and to ascertain whether the regulation of insurance under the McCarran-Ferguson Act needed restructuring.

Regulatory Reform Bill

Another project was the drafting of a regulatory reform bill designed to implement the recommendations of the Subcommittee's Regulation and Regulatory Reform report. Availability of the regulatory reform bill was noticed in the November 9, 1978 Congressional Record.

Revision of Oversight Questionnaire

Another project was the revision of the original June 1975 oversight questionnaire. The revised version was transmitted in March, 1978 to all of the agencies over which the Subcommittee has jurisdiction.

National Collegiate Athletic Association

The Subcommittee's investigation into the enforcement practices of the National Collegiate Athletic Association commenced in October, 1977. The principal question before the Subcommittee was whether the NCAA, which is responsible for the regulation and conduct of intercollegiate athletics, adequately protects the due process rights of institutions, coaches, student-athletes and others who fall subject to the enforcement mechanism. To this end, ten days of hearings were held from February through October 1978, with testimony received from some forty witnesses. To date, the NCAA has made some efforts of self-reform with expectations of further action to be taken at their convention in January, 1979.

Conflicts of Interest

The Subcommittee held hearings on May 23, 24, and June 2, 1977 on financial conflicts of interest at regulatory agencies. The investigation concentrated on three agencies: the Federal Communications Commission, the Environmental Protection Agency, and the Food and Drug Administration, in addition to documenting the Civil Service Commission's failure to monitor the effectiveness of agency conflicts programs and to facilitate improvements where needed.

The Subcommittee's report of February 7, 1978 found financial conflicts of interest reflected in 243 of 630 files investigated at these agencies and extreme inconsistencies as to how conflict of interest rules are interpreted and enforced. The Subcommittee recommended changes in the conflict of interest statute, 18 USC 208, that would prohibit federal officials from acquiring or retaining financial interests in entities affected by matters in which he or she is involved or for which he or she is responsible. In addition, the Subcommittee recommended that each agency establish a written program for the strict enforcement of 18 USC 208 and Executive Order 11222 so that conflicts of interest will be avoided entirely.

Wiretaps Without Court Order

On June 22, 1976 the Subcommittee authorized subpoenas to American Telephone and Telegraph Co. for, among other things, letters in its custody from Federal authorities requesting its cooperation in the tapping of certain domestic telephones. The Subcommittee authorized these subpoenas in order to determine the lawfulness and propriety of the government requests and the extent to which AT&T and the Federal Communications Commission had discharged their obligations to the public under the Federal Communications Act.

Immediately subsequent to the issuance of subpoenas, representatives of President Ford sought to substitute for the materials under subpoena certain other documents in the custody of the executive establishment. After a month of intense negotiations, the Subcommittee and the President's representatives were prepared to sign an agreement which recognized the interests and prerogatives of the two co-equal branches of government. However, at the behest of the Director of the Central Intelligence Agency, the President repudiated his representatives; submitted a clearly unacceptable proposal to the Subcommittee; and then sent his lawyers to Federal court to restrain AT&T from turning over the subpoenaed materials. (For a more detailed discussion of this litigation, see the report to accompany H. Res. 1420, H. Rep. 94–1422.)

This case, *United States* v. *American Telephone and Telegraph Co.*, Civil Action No. 76–1712, is now favorably concluded, having been litigated by the Subcommittee through both in-house and outside counsel, pursuant initially to H. Res. 1420 in the 94th Congress and later H. Res 334 (Rep. No. 95–226) in the 95th. At issue was whether a President could assert "executive privilege" with respect to materials in the custody of a private company and thereby deny Congress the information it requires to judge the lawfulness of the President's actions. On July 30, 1976, the U.S. District Court for the District of Columbia ruled in favor of such a Presidential claim and entered a permanent injunction against AT&T. Chairman Moss on behalf of the Subcommittee immediately appealed to the U.S. Court of Appeals for the District of Columbia Circuit (Civil No. 76–1712).

That Court ultimately rendered an opinion on October 20, 1977, essentially ruling in broad terms in favor of the powers of Congress, but referring the matter back to the District Court to supervise the negotiation of details of an arrangement between the Subcommittee and the Department of Justice. Immediately thereafter the Justice Department filed a petition for rehearing on grounds that the procedures presented by the Court of Appeals were potentially inimicable to national security interests. On December 12, 1977 the Court of Appeals clarified certain particulars and denied the petition.

After further negotiations between Justice and the Subcommittee, the parties this time were able to reach a satisfactory agreement for production of and access to the materials necessary for the Subcommittee's investigation.

Upon successful completion of the investigation, and satisfied that Justice had performed its end of the agreement in good faith, the Subcommittee joined Justice in a motion to dismiss the case without prejudice to any of the parties.

SUBCOMMITTEE ON ENERGY AND POWER

Hon. John D. Dingell, Chairman

During the 95th Congress, the Subcommittee continued extensive review and oversight of the energy situation in the United States. A major impetus for Subcommittee action was the Administration's National Energy Act. The Subcommittee conducted hearings, initiated studies and inquiries and investigated the energy problems facing the nation in preparation for the May 3, 1977 submission of the legislation. In addition to the enactment of this massive proposal, the Subcommittee held legislative and oversight hearings on the Department of Energy, the Nuclear Regulatory Commission, the Federal Energy Regulatory Commission, the Federal Energy Administration, and other government entities.

H.R. 9852 THE COMPREHENSIVE NUCLEAR REGULATORY ACT

The Subcommittee held three days of hearings addressing the issues covered in H.R. 9852 on February 7, 8 and 9, 1978 (Serial No. 95–115). This legislation would establish a temporary Nuclear Power Study Commission to study and identify the causes of delay in the existing process by which nuclear power plants are licensed, and to formulate recommendations which would expedite this process without compromising the quality of existing procedures which are designed to protect the public health, safety and environment.

Testimony presented to the Subcommittee demonstrated the extent of disagreement among those involved in the licensing process as to the precise cause of delay. Nuclear industry representatives tended to place the blame on duplicative hearings, changing and needless government regulations, intervenors and uncertainty over the present federal attitudes toward nuclear energy. Critics argued that the reasons for delays lie outside the licensing process, and include the inabilities of utilities to obtain financing for costly nuclear power plants, the lower than projected demand for additional generating capacity which caused utilities to stretch out the construction of new plants, labor disputes, and equipment manufacturers' inability to deliver component parts in a timely fashion.

(H.R. 11678) (H.R. 12055) NATIONAL ENERGY POLICY INSTITUTE ACT OF 1978

> To amend the Energy Policy and Conservation Act to establish the means for obtaining both short-range and long-range comprehensive energy policy analyses.

The National Energy Policy Institute Act, introduced by Mr. Dingell on March 21, 1978, sought to establish an independent institution which would assist Government policymakers in formation of energy policy by conducting long-range analyses of the effect of those policies. In addition, the proposed institution would evaluate current studies of energy and energy-related issues, conduct independent studies of these issues, and assess the potential effects of proposed and existing policies on energy supply, production, resources, and consumption. This information would also be correlated with other limiting factors such as food production, population growth, and environmental effects. The legislation also appropriated funds for the institution for fiscal years 1979 through 1983. Subcommittee hearings were held on April 11 and 12, 1978. (Serial No. 95-119).

H.R. 13931 PACIFIC NORTHWEST ELECTRIC POWER PLANNING AND CONSERVATION ACT

To assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River power system to achieve cost-effective energy conservation; to encourage the development of renewable resources to establish a representative regional power planning process to assure the region of an efficient and adequate power supply, and for other purposes.

H.R. 13931, introduced on August 17, 1978 was jointly referred to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce. It provides a federal legislative solution to the electric power needs of Oregon, Washington, Idaho and Montana west of the Continental Divide, all of which is within the Columbia River drainage basin. The bill grants to the Bonneville Power Administration additional authorities and responsibilities. The Administrator is authorized to acquire additional resources with a priority for conservation and renewables in order to meet the firm power load of the regions' utilities. This is intended to provide certainty as to future power supply for those utilities which anticipate or are facing demand in excess of their own resources. In order to alleviate the disparity in rates paid by consumers served by publicly owned utilities and those served by investor owned utilities, the bill authorizes the Administrator to exchange power with investor owned utilities. Purchases would be made at the sellers average cost of resources for the amount of power needed to meet load requirements of its residential customers and would sell an equivalent amount of power to the same utilities at the rate that power is being sold to the publicly owned utilities. It is intended that the revenue loss from this exchange be recovered in the sale of power to the Administrator's direct service industries. This industry uncertainty about their future power supply would terminate their present contracts for the purchase of power and receive new long term contracts at substantially increased rates. Also, the Administration is to be guided by both a Bonneville Consumers Council and a Utilities Council, composed of individuals from the region.

The Subcommittee began hearings on September 19 and 27, 1978. Three additional days of hearings were held in the region which would be directly affected by the legislation. These field hearings took place in Seattle, Washington on December 11, in Portland, Oregon on December 13, and in Boise, Idaho on December 14 (printing in progress).

West coast electric supply problems

A hearing was held on March 31, 1977 on the results of a joint study on the effects of the drought on the West Coast and its effect, present and future, on the hydroelectric generation capacity in California and the Pacific North West (Serial No. 95–14).

Auto Energy Efficiency Standards

The Subcommittee held hearings on April 22 & 25, 1977 on the administration by the Department of Transportation and the Environmental Protection Agency of mandatory energy efficiency standards for motor vehicles. (Serial No. 95–72). With the assistance of the GAO, the DOE is currently examining the effect of recent amendments on these agencies and on the adequacy of their efforts to enforce the standards.

Revenues

The Subcommittee began hearings in April and September 1977 to urge the DOE and former FEA, in petroleum overcharge cases where the persons overcharged are not readily identifiable, to seek to recover such charges into the Treasury. Several consent orders involving millions of dollars have been entered into with most of these funds going to the Treasury. The most recent settlement of $42 million in overcharges by the Gulf Oil Corporation will result in some of this money going to the Treasury as miscellaneous receipts. The Subcommittee is examining the DOE procedures for trying to identify persons eligible to recover some of these overcharges.

Compliance Matters

In 1976, the Subcommittee initiated an investigation into the then Federal Energy Administration's enforcement activities under the Emergency Petroleum Allocation Act of 1973 and related statutes. The investigation showed that the FEA had a huge backlog of over 3,600 cases of violations with an estimated value of over $7 billion and that there was misconduct in several FEA offices. Of particular concern was a lack of audit of major oil companies and a failure to pursue criminal violations. The investigation which continued into 1977 included interviews with FEA employees and other persons in Washington, D.C., and in the FEA regions. On April 6, 1977, the Subcommittee held a hearing on these matters. (Serial No. 95–62).

As a result of these hearings, the FEA established a special Task Force, called the Sporkin Task Force which issued a report in July 1977. The Task Force made a number of recommendations. On September 28, 1977, the Subcommittee held hearings on the Task Force report. (Serial No. 95–82). Most of the Task Force recommendations, including the establishment of a Special Counsel's Office to handle enforcement against the majors and the establishment of a unit concerning criminal matters, have been adopted by DOE. Additional hearings were held in February 1978 in connection with the DOE authorization bill for FY 1979.

The investigation is continuing with particular interest into the slowness of criminal investigations by the DOE in the regional offices.

NRC and ERDA Nuclear "MUF" Data

The former Energy Research and Development Administration and the Nuclear Regulatory Commission periodically compile and release data on how much special nuclear material is unaccounted for at facilities under their jurisdiction. This data is normally referred to as "MUF". The Subcommittee initiated an investigation into the

the reliability and usefulness of these data in detecting and preventing possible theft or diversion of this material. Hearings were held on August 8, 1977. (Serial No. 95-66). The investigation, which is continuing, has also been aided by the General Accounting Office.

New York City Power Failure of July 13, 1977

On October 13, 1977 the Subcommittee held a hearing to determine the sequence of events of, and the problems arising from, the July 13, 1977 New York City power failure. (Serial No. 95-88).

An additional hearing was held on July 10, 1978 to review actions that had been taken over the intervening year to prevent a recurrence of the failure of the Consolidated Edison Company of New York's power system. This hearing also addressed the economic costs of the blackout and whether legislative initiatives might be necessary to provide for improved system reliability. (Serial No. 95-148).

Coal Strike

During the coal strike of 1977-78, the Subcommittee held a briefing and hearing into the actions taken or planned by the DOE and FERC to ease any adverse energy impacts caused by the strike or the severe winter. The Subcommittee investigated the authorities of these agencies with a view toward strengthening their emergency powers as part of the National Energy Act bills on coal conversion and public utilities. The hearing was held on February 16, 1978 (Serial No. 95-132).

Energy Data

The Energy Supply and Environmental Coordination Act of 1974 provides a means for collecting energy data and for determining whether such data should be treated as confidential. Provision is also made for the transfer of confidential data to other Federal agencies authorized to receive such data and to the Congress. The Subcommittee initiated in early 1978 an investigation into the Energy Information Administration's policy of giving blanket confidentiality treatment to data in violation of the 1974 law. The investigation also covered a proposed EIA policy that would preclude the transfer of disaggregated data to other Federal agencies. Hearings were held in March 1978. At those hearings, the EIA agreed to abandon the practice of giving blanket treatment to data. The EIA also began reconsideration of their proposed policy on transferring data to other agencies. The investigation is continuing.

National Coal Policy Project

On April 10, 1978, the Subcommittee conducted an oversight hearing on the final report issued by the National Coal Policy Project. (Serial No. 95-138). The hearing focused on the general principles and conclusions of the report as well as the recommendations of each of the task forces. The Project was formed by members of various environmental and industry groups, meeting as individuals, in an effort to reach agreement on how to balance the country's energy needs against the environmental consequences of greater dependence on coal.

U.S. Industry Participation in the Construction of the Alaskan Natural Gas Pipeline

On April 24, 1978, the Subcommittee held a field hearing in Baytown, Texas to examine the issue of U.S. industry participation in supplying goods and services for the construction of the Alaskan natural gas pipeline, and to address the decision by the Canadian government to use 56-inch pipe for the construction of a major portion of the line in Canada. (Serial No. 95–139). Baytown is the location of U.S. Steel Corporation's Texas Works Pipe Mill, which is the only pipe mill in the country that can produce 48-inch pipe, one of the sizes of pipe contemplated for use in the construction of the pipeline.

Entitlements Program

The crude oil entitlements program was created by the Federal Energy Administration in early 1975 in order to equalize the cost of crude oil to domestic refiners. Immediately prior to the entitlements program, refiners who had access to price-controlled domestic "old" oil enjoyed a significant and unfair advantage over other refiners who depended upon uncontrolled and imported oil. Oversight hearings on aspects of the Department of Energy's Entitlements Program were held on June 12, 13, 14, 15 and 21, 1978. The hearings focused on the small refiner bias, the California crude and residual oil issue and the East Coast residual oil issue. (Serial No. 95–144).

Local Energy Policy

Because of the potential for local, small scale energy projects to influence energy supply/demand pressures, the Subcommittee held three days of hearings on local energy policies. These hearings were held on May 22, 1978 and on June 5 and 9, 1978. (Serial No. 95–135). The purpose of the hearings was to consider energy policies made and implemented at the local level as a means of (1) accommodating the diversity of energy needs and options that exist across the country, and (2) contributing to the fulfillment of national energy goals. The Subcommittee examined energy policy experience in several local communities, with emphasis on the processes by which energy policy is made at the local level. The Subcommittee also examined existing federal programs designed to support local energy policy initiatives to determine whether new or modified programs are necessary.

Trans Alaska Oil Pipeline Proceeding

Joint hearings were held by the Subcommittees on Oversight and Investigations and Energy and Power on June 26 and 27, 1978 regarding participation by the Department of Energy in a Trans Alaska Oil Pipeline proceeding before the Federal Energy Regulatory Commission relative to the setting of transportation charges on the TAPS pipeline. (Serial No. 95–112).

Interstate Oil Compact Commission

On July 21, 1978, a hearing was held to review the Compact's past activities and future plans and to consider the question of whether or not to renew the Compact's authorization (Serial No. 95–146). The IOCC was originated and consented to by the Congress in 1935 and Congressional ratification of the Compact is due to expire on December 31, 1978.

Implications of High Energy Prices on Low-Income People

On September 13, 1978, the Subcommittee held a hearing to receive the views of Dr. Kenneth E. F. Watt of the Interdisciplinary Systems Group, Institute of Ecology, University of California at Davis, on the subject of energy pricing (printing in progress). Dr. Watt presented several different arguments to support his contention that the current rationale for low energy prices is false and that cheap energy penalizes the constituencies it is designed to protect. Additional hearings are expected in the 96th Congress to hear others who have a different view or share this view.

Emergency Preparedness

After the severe winters of 1977 and 1978, the Subcommittee, with the aid of the GAO, initiated a broad investigation into the adequacy of DOE's energy emergency preparedness activities. The GAO issued its report on October 10, 1978. The Subcommittee held a hearing on the report and related matters on November 17, 1978 (printing in progress.) At the hearing, the DOE agreed to centralize emergency preparedness under one Assistant Secretary and a detailed schedule for developing contingency plans and carry out other activities was outlined by the DOE. In addition, the Council of Economic Advisors released to the Subcommittee and GAO data previously withheld. The Administration testified that President Carter would follow the policy of Presidents Kennedy, Johnson, and Nixon that only the President will claim Executive Privilege.

Office of Pipeline Safety Operations

The Natural Gas Pipeline Safety Act of 1968 gave the Department of Transportation responsibility for the safety regulation of pipelines and associated storage facilities used in connection with the transportation of natural gas (including liquefied natural gas). Participation by state pipeline safety agencies was encouraged by a grant-in-aid program which matches state spending for approved safety programs. Subsequently, the Department has been given additional responsibility for pipeline transportation of hazardous materials generally. Over one and a half million miles of natural gas pipelines in this country and more than a quarter million miles of other pipelines are subject to Federal review. The Department has assigned responsibility for pipeline safety programs to the Office of Pipeline Safety Operations ("OPSO").

The Subcommittee's legislative oversight review of OPSO which was initated during the 94th Congress continued into the 95th Congress. Problems were recognized and solved whenever possible. However, problems which arose from the States' grant-in-aid programs, their adherence to federal standards and cooperation with federal departments have continued, although to a lesser degree. On July 8, 1977, during the start-up of the Alaska oil pipeline, a pumping station was destroyed, and an individual was killed by an explosion. This was also investigated by the Subcommittee staff to prevent other such happenings.

The Subcommittee reported out H.R. 11622, legislation which would overhaul the present pipeline safety regulations, eliminating the problem of conflicting and overlapping jurisdictions among Federal agencies. Research and development into preventing pipeline failures and happenings has been improved, and a better system for investigating and preventing such happenings is being initiated. The recommendations of the National Transportation Safety Board for improving pipeline safety have been reviewed and are incorporated in the legislative proposals.

West coast oil transportation situation

Section 410 of the Trans-Alaska Oil Pipeline Act (P.L. 93-153) requires that crude oil from the North Slope of Alaska be equitably shared, directly or indirectly, by all regions of the country. Adequate steps were not taken, however, while the Alaska pipeline was being completed to develop oil transportation systems for distribution of that crude oil to inland markets. Consequently, a crude oil surplus is developing on the West Coast. A proposed pipeline system extending from Long Beach, California, to Midland, Texas, which would assure a wider distribution of Alaskan crude oil, has been delayed pending extensive review by the State of California and the EPA. The Subcommittee staff examined the causes of the delay and studied alternative and supplementary pipeline proposals in an attempt to eliminate the West Coast glut and fulfill the requirements of the law.

As a result of the comprehensive review of the present situation and on the basis of the record developed by the Subcommittee staff, legislation was drafted to expedite the approval and construction of two or more transportation systems to deliver Alaskan crude oil to inland markets. This legislation is included in the National Energy Act. Delays by the EPA in approving the Long Beach pipeline permits have been corrected and the State of California is now giving expedited consideration to the required state permits for that pipeline. The Subcommittee staff will, in oversight, continue to monitor these matters and assure that the provisions of the P.L. 93-153 are accomplished.

Solar Energy

The Subcommittee has carefully followed the increasing federal solar activities, especially as these activities impact the commercialization of new technologies. Investigations resulted in significant changes in the Committee's 1979 authorizations for DOE solar programs. Subcommittee staff worked with the Oversight and Investigations Subcommittee in investigating and holding hearings into passive solar heating and on the performance of currently installed solar heating systems. Background work has been done in preparation for hearings into federal solar commercialization programs. These hearings, which will be held in early January 1979 following completion by the Executive Branch of the Solar Domestic Policy Review, will focus on the commercialization issues raised by the Solar Domestic Policy Review, the DOE National Program to Accelerate Commercialization, and the solar components of the program under the Deputy Under Secretary for Commercialization.

Nuclear Licensing and Siting Issues

On July 17, 18 and 19, 1978 the Subcommittee continued to explore problems associated with the licensing and siting of nuclear power plants (printing in progress). Testimony was heard from the Members of the Nuclear Regulatory Commission and the Deputy Secretary of Energy, as well as representatives of the nuclear industry, utilities, and environmentalists. The primary focus of the hearings was a proposal by the Administration to expedite the licensing process. The Subcommittee's hearings in February (Serial No. 95-115) pointed out that disagreement existed as to the cause of licensing delays. Criticisms expressed at these earlier hearings were again voiced by many of the witnesses. As a result of these hearings, the Subcommittee

Chairman requested the Nuclear Regulatory Commission to review the testimony and submit a proposal for consideration by the 96th Congress.

Nuclear Wastes

Pursuant to the Subcommittee's jurisdiction over the management, storage, and disposal of nuclear waste from commercial activities, oversight hearings were held in March 1978 to receive a report from the Department of Energy entitled *Report of the Task Force for Review of Nuclear Waste Management.* Based on this hearing and other investigations conducted by the Commerce Committee, the Subcommittee approved an amendment to DOE's authorization relating to the creation of a program for the interim waste storage of spent fuel rods at away-from-reactor sites.

State Review of Nuclear Waste Repositories

Subcommittee investigations revealed that the Energy Department entered into agreements with some States which would give such States a veto over the location of nuclear waste sites. The Subcommittee asked the General Accounting Office to review the legality of the agreements. On November 15, 1978, the Subcommittee advised the DOE that according to the GAO, such agreements are not based on any statute and they were not approved by the Congress and thus are legally unenforceable. The Subcommittee plans to hold hearings on this matter.

Crude Oil Resellers

In June 1978, the Subcommittee staff began an investigation of the Department of Energy's failure to enforce its regulations covering the crude oil entitlements program. Oil which was required under DOE regulations to be treated as "old oil" was being converted into "new oil" by falsely certifing it as new. Old oil sells for about $5 per barrel; new oil, for about $12 per barrel. Literally hundreds of thousands of barrels are being changed daily in flagrant violation of the law and such activity is continuing to the present. Although in 1976 some cases were ready to be referred to the Justice Department for possible criminal prosecution, not one reseller case was referred until February 1978.

Staff investigators traveled to Houston and Dallas and interviewed key government and private witnesses about the problem. Department of Justice officials have been contracted. The staff discovered what appear to be widespread criminal activities and conspiracies by numerous oil companies designed to boost crude oil prices. Major oil companies have been identified as vital links in the schemes to further these frauds.

The staff has examined the files of all cases within the DOE involving potential referrals of reseller criminal cases to the Department of Justice. They have also done detailed case studies of significant cases. An extensive staff report is being drafted which will be completed in January 1979. Hearings will be held upon completion of the report.

Insulation investigation

Due to persistent rumors and allegations early in the 95th Congress that insulation companies were holding fiberglass blankets and batts off of the market to increase their price, the Subcommittee staff conducted an investigation into the supply of home insulation. An inspection of one company's manufacturing facility and plant storage was made in addition to other checks to determine whether the allegations were correct.

Although there have been shortages of insulation and prices have risen, there was no indication that the industry was manufacturing and warehousing insulation in an attempt to raise prices or increase demand. Further inquiry continues into this important area, however, to determine why shortages arise, and how 90 percent of American homes can be insulated by 1985 as recommended by the President.

Coal conversion program

The Subcommittee staff conducted an evaluation of the former FEA's coal conversion program to assess its performance and to determine if additional legislative action was needed.

The investigation was conducted under authorities granted by the 1974 Energy Supply and Environmental Coordination Act (ESECA), as amended by the 1975 Energy Policy and Conservation Act (EPCA) Subcommittee investigators obtained and analyzed more than 400 documents generated by FEA and the Environmental Protection Agency (EPA) over the three years of the coal conversion program and interviewed 23 present and former program officials at both FEA and EPA. In addition, one Subcommittee staffer attended an FEA regional hearing on coal conversion in Boston and, while there, interviewed officials of utilities affected by coal conversion orders.

During the course of the review, the Subcommittee found the program had not resulted in one conversion from oil or natural gas to coal. In that regard, it has been a failure. However, it has not been a total failure. Although the staff feels that FEA took far too much time to develop the program's methodology, that methodology has yielded considerable data underlying coal conversions which should be useful to DOE in implementing the President's national energy program. Although mismanagement was rife in the ESECA program, future program managers can benefit from their predecessor's mistakes, particularly in regard to attainment of unified control of FEA's portion of the program, which has been fragmented in the past. As a result of their own internal review, DOE's current management is moving to correct the shortcomings of the ESECA program management structure.

Other problem areas which surfaced during the investigation included battles over who had jurisdiction over the ESECA program—the Office of General Counsel or the Office of Coal Utilization; determination of the methodology to be used for converting to coal; environmental consideration and reviews; management problems within the major fuel-burning installation (MFBI) program; and the role for the Environmental Protection Agency in coal conversion.

The investigation of this program resulted in language being incorporated into the National Energy Act. It alleviates the problems found by the staff. In addition, the administration changes suggested n the staff report were made by the DOE resulting in an improved review process.

DOE Office of Administration

The Subcommittee investigated numerous allegations concerning he qualifications and competency of the DOE Director of Administration. The allegations included falsification of educational background and job experience on resumes, civil service hiring abuses, and using illegal political pressures on an independent Safety Board. The Subcommittee explored these charges during its March 14, 1978 hearing on the Department of Energy Authorization for Fiscal Year 1979. The Subcommittee and Full Committee included in the Department's authorization legislation a provision to reorganize the Office of Administration and make the Director of this Office a Presidential appointee, subject to Senate confirmation. A Senate committee is also considering such legislation.

Financial Reporting System

Section 205(h) of the Department of Energy Organization Act requires major energy-producing companies to file annual reports with DOE beginning in 1979 concerning financial data. The DOE published its proposed questionnaire in June 1978 and at the same time requested that the Office of Management and Budget approve the form under the Federal Reports Act. When OMB sought to delay the approval, the Subcommittee initiated an investigation, with the aid of the General Accounting Office, into the reasons for the OMB delay and the authority of the OMB to review the form and to approve it with conditions. The investigation is continuing.

Contracts

The Energy Information Administration and the Economic Regulatory Administration, as well as other DOE agencies, spend millions of dollars annually for consultants and contracts. A Subcommittee investigation, with the aid of GAO, has uncovered a number of problems, including overuse of sole source contracting, conflicts-of-interest, and poor quality work. The investigation is continuing.

Administrative Law Judges

The Federal Energy Regulatory Commission has a huge backlog of cases and only 20 Administrative Law Judges. The Subcommittee with the aid of GAO is examining the procedures used by FERC to handle cases, the time it takes to consider these cases, and the activities of the ALJ's.

Personnel Ceilings

When the DOE was established on October 1, 1977, a ceiling of 19,500 persons was authorized by the OMB. However, OMB requires that the DOE reduce positions 19,109 by the end of fiscal year 1979. On October 25, 1978 the DOE placed a severe freeze on hiring. On November 1, 1978, Chairman Dingell wrote the President requesting that FERC be exempted by the freeze and that the DOE receive exemptions. The OMB was granted the FERC exemption but has not acted as yet on DOE. The Subcommittee with the aid of GAO is examining the DOE and FERC personnel ceilings, the allocation of positions within these agencies, the delays in hiring, the resons for a large number of vacancies, and the effect of the recent freeze on the statutory responsibilities of the DOE, including the NEA.

Conservation

The Subcommittee has initiated an investigation into a series of rate increases by electric and gas utilities which have an effect of impeding conservation efforts by industry and other consumers. This investigation has resulted in the DOE announcing that it will intervene in rate proceedings in Maryland, Virginia, and the District of Columbia concerning a proposed rate that could discourage persons using energy sources other than natural gas.

Motor Gasoline and Heating Oil

The Subcommittee has initiated an investigation into recent sharp price increases in motor gasoline and heating oil and into the reasons for spot shortages in unleaded gasoline. The Subcommittee held hearings on these subjects on December 20 and 21, 1978.

Alaskan, Canadian and Mexican Natural Gas

The Subcommittee staff began an inquiry into the relative costs and benefits of Alaskan, Canadian and Mexican natural gas supplies. The purpose of this inquiry is to produce a comprehensive program of analysis aimed at weighing the relative merits of these three conventional supplemental gas sources. It is anticipated that this inquiry will be the subject of hearings during the 96th Congress.

Unconventional Sources of Natural Gas

Over the past fifteen months, the staff has initiated an investigation into the economics, dimensions and producibility of natural gas from unconventional sources. The largest potential, both national and worldwide, appears in the geopressured aquifers that lay within many deep sedimentary basins throughout the globe. Although the dimension and producibility of these particular formations for usable energy is uncertain at this time, the potential is so large that further oversight activity appears to be justified. Other potential sources which the staff has been examining include devonian shales, coal seam methane and hydrates.

Conservation Devices and Standards

The Subcommittee has maintained an intense and continued interest in the development and promulgation of more efficient methods of utilizing energy. A major focus of the Subcommittee's oversight activity in this area has centered on domestic use of energy. In January of 1977 the Subcommittee began 4 days of hearings looking into the various conservation devices which would increase the efficiency of residential heating systems. (Serial No. 95–46). On September 8, 1977 Chairman Dingell introduced H.R. 8985, a bill to establish energy efficiency standards for electric motors and pumps. This legislation was the subject of hearings on September 27 and 29, 1977 (Serial No. 95–85). Similar provisions were included in the conservation portion of the National Energy Act, Public Law 95–619.

Commercialization

Of growing interest to the Subcommittee is the Federal government's role in stimulating the commercialization process. The mechanisms for accelerating the attainment of a process or product as a self-sustaining commercial reality has been a subject of continued study and concern. During the course of 1978, the Subcommittee has induced the Department of Energy to initiate a joint financing program with both the German and Japanese governments on the Solvent Refined Coal II program. By virtue of the German and Japanese contributions of $175 million each, the U.S. investment in this program has been reduced by $350 million. The Subcommittee's interest in this process has been reflected by the establishment of a aggressive program of Commercialization in the Department o Energy.

Long-Term Natural Gas Policies

During March and April of 1977, three days of background hearing were held to develop the information base needed in preparation o natural gas policy legislation. Natural gas supplies, demand and th impact of regulations on the intrastate market was the focus of thes hearings (Serial No. 95–70).

Long-Term Energy Policy Issues

During the 94th Congress, the Subcommittee began a series of hearings on middle- and long-range energy policies for this country. On March 23, 1977 the Subcommittee continued this series in a hearing addressing the direct and indirect costs associated with those energy choices. (Serial No. 95–15).

Strategic Petroleum Reserve

On December 18, 1978 the Subcommittee held a hearing regarding the Department of Energy's request to reprogram funds designated for the purchase of oil for the strategic petroleum reserve. The Department has requested that such funds be used for the construction of storage facilities. A main concern of the Subcommittee is the candor of the officials in charge of the DOE project and the increased costs of the program as a result of questionable management practices.

International Energy Outlook

As a result of a report prepared by the Central Intelligence Agency forecasting world energy production and demand through 1985, the Subcommittee received testimony from CIA Director Stansfield Turner on April 25, 1977. (Series No. 95–72). The CIA report, entitled "The International Energy Situation: Outlook to 1985," presented a pessimistic view of oil supplies. In the CIA's opinion, the absence of greatly increased energy conservation would result in world oil shortages by 1985.

Impact of H.R. 6804 on H.R. 6831

On May 24, 1978 the Subcommittee held a hearing on the impact that the legislation creating the Department of Energy (H.R. 6804, S. 826) might have on the National Energy Act (Serial No. 95–64). Of particular concern to the Subcommittee was the power to be delegated to the Secretary of Energy in reference to the Federal Power Commission.

Subcommittee on Health and Environment

Hon. Paul Rogers, Chairman

The Subcommittee on Health and the Environment conducted significant oversight of various Federal agencies during the 1st session of the 95th Congress. Because of its heavy legislative schedule, oversight was conducted principally in connection with its consideration of legislative proposals. Oversight into the implementation of health programs by the Department of Health, Education, and Welfare was conducted by the Subcommittee during its consideration of legislation to extend the authorization of appropriations for health services research; health statistics, comprehensive public health services; hypertension programs; migrant health centers; community health centers; medical libraries; cancer research and control; heart, lung, blood vessel and blood disease research and control; biomedical and behavioral research training; sudden infant death syndrome; hemophilia; health planning and development; health resources development, community mental health centers; and maternal and child health. Oversight of the Environmental Protection Agency was exercised during lengthy hearings with respect to the reauthorization and revision of the Clean Air Act and the Safe Drinking Water Act, and of the Drug Enforcement Administration during hearings on legislation reauthorizing support for the Administration's activities. Implementation of programs proposed to be extended by these legislative measures was carefully scrutinized by the Subcommittee during its hearings.

Oversight of the medicare and medicaid programs of the Health Care Financing Administration was undertaken in several areas. Hearings on legislative remedies to combat fraud and abuse in the Medicare and Medicaid program and on legislation to regulate clinical laboratories examined the adequacy of existing mechanisms designed to reduce or eliminate fraud and abuse. The Subcommittee also conducted oversight hearings on the provisions of services under the Medicaid program for individuals not eligible for coverage under the program. During Subcommittee consideration of the Administration's cost containment proposal, the escalation of costs under Medicare and Medicaid was examined. Finally, the Subcommittee investigated the need to expand coverage and services under the Medicaid and Medicare program in conjunction with its consideration of the Child Health Assessment Act and the rural health clinic legislation.

Oversight of the activities of the Food and Drug Administration was undertaken during both oversight and legislative hearings with regard to the FDA's decision to ban saccharin as a carcinogen, and during oversight hearings on FDA's response to the report of death caused by the liquid protein diet.

Finally, the Subcommittee examined the adequacy of NIH's recombinant DNA regulatory activities during extensive legislative hearings, the implementation of the swine flu immunization program during oversight hearings, the appropriateness of proposed national health policy guidelines during oversight hearings, and the need to amend the Health Professions Educational Assistance Act of 1976.

LEGISLATIVE AND OVERSIGHT STUDIES AND INQUIRIES

The Subcommittee on Health and the Environment conducted eleven days of oversight hearings on the regulatory programs under the Radiation Control for Health and Safety Act (P.L. 90-602), as well as investigating possible human health hazards resulting from a broad range of exposures to ionizing radiation.

Significant evidence was reviewed which indicates that low-level ionizing radiation may present significant threats to the public health. Testimony indicated that occupational exposure standards for ionizing radiation should be significantly stricter and that new efforts to control and reduce exposures to all types of radiation, including medical and dental diagnostic radiation, should be undertaken.

The following is a brief review of the Subcommittee's specific area of inquiry:

(1) The Subcommittee investigated the exposure of United State military and civilian personnel during the 1940s and 1950s to low-level of radiation in conjuction with nuclear testing programs in Nevad and the Pacific. Preliminary analysis by the Center for Disease Control indicates a strong possibility that those involved in these tes maneuvers are incurring a significantly increased incidence of leukemia

(2) The Subcommittee examined allegations that naval shipyard personnel who repaired and overhauled nuclear submarines may suffer increased incidence and risk of cancer. At the Subcommittee's request the Center for Disease Control has undertaken a thorough examination of the workers at the Portsmouth Naval Shipyard.

(3) The Subcommittee received testimony indicating that there is a higher than expected incidence of several forms of cancer among workers (past and present) at the Hanford (Washington) Atomic Works of the Department of Energy. These hearings also revealed what appears to be generally haphazard and inefficient management by Department of Energy personnel of research programs on the health effects of ionizing radiation. More specifically, the research contract of Dr. Thomas Mancuso, University of Pittsburgh, to investigate radiation related health effects and deaths among the Hanford workers was terminated in late 1974 under unusual circumstances just after reports of increased cancers among Hanford workers first surfaced in mid-1974. That portion of the research contract relating to Hanford workers was later transferred to Battelle's Pacific Northwest Laboratories at Hanford. Since Battelle is a major nuclear research and development contractor for the Department of Energy, the effect of awarding Battelle the contract was to ask it to examine its own workers for cancers which they may have incurred as a result of working for Battelle.

Although the Mancuso contract was an example of a specific case, it served to raise the question of whether or not an inherent conflict of interest is created when an agency concerned with the development and promotion of specific technologies also undertakes research on the health effects of such technologies.

The Subcommittee's concern with regard to the possibility of departmental improprieties on the part of the Department of Energy led to a request for an internal investigation by the Inspector General of DOE, and later resulted in a General Accounting Office investigation not only of the propriety of the department's handling of the Mancuso contract, but also an investigation of the scope, thoroughness, and general quality of the Inspector General's investigation and report.

In addition, the Subcommittee's concerns led it to formally notify the Committee on Science and Technology of its findings, in view of the fact that existing Department of Energy research programs are under the jurisdiction of that committee.

The Subcommittee also made amendments to the Biomedical Research Act (P.L. 95-83) to require the Department of Health, Education, and Welfare to assume a lead position in research on health effects of ionizing radiation.

(4) The Subcommittee held four days of oversight hearings on the use of ionizing radiation in medical and dental diagnostic procedures. The Subcommittee received testimony indicating that ninety percent

of all human exposure to ionizing radiation results from medical and dental exposures, and that at least thirty percent of all health care exposures are unnecessary. The hearings indicated that significant new steps are necessary to reduce the ordering of unnecessary X-rays, to assure existing equipment is well-adjusted, operated safely and efficiently by adequately trained personnel and inspected for compliance with safety standards on an annual basis. Moreover, increased emphasis and research on the appropriate use of and potential risks associated with diagnostic radiation is necessary.

The Subcommittee held two days of oversight hearings on the Environmental Protection Agency's implementation of the Safe Drinking Water Act. These hearings focused specifically on EPA's proposed regulations for the control of organic chemicals in drinking water.

The Subcommittee held oversight hearings on the proposed anti-smoking initiative of the Secretary of the Department of Health, Education, and Welfare. In the course of these hearings the Subcommittee examined the effectiveness and extent of Federal and private sector research, public information, and advertising programs and campaigns developed since the 1964 Surgeon General's report.

The Subcommittee held hearings on the Department of Health, Education, and Welfare's proposed voluntary, high-risk influenza immunization initiative, which examined the details of the program, the mechanics of its proposed implementation, the planning process for this initiative, and the liability questions attendant to such a program.

Oversight hearings were held on the scientific, medical, legal, and ethical implications of in-vitro fertilization, which included an examination of past and present Federal policy regarding research into in-vitro fertilization.

The Subcommittee held combined oversight and legislative hearings on legislation "to establish the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research." In the course of these hearings the Subcommittee examined the need for the establishment of a commission to succeed the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, reviewed the functions of the existing commission and examined the appropriateness of expanding the function of any future commission beyond that of protecting the rights of the research subject.

Following the publication of reports that advanced techniques in cell biology were used to successfully clone a human being, the Subcommittee held oversight hearings on the state of the art with regard to cell biology and genetics, examined projections of future scientific developments in this area, and reviewed the policies of the National Institutes of Health with regard to funding of such research.

The Subcommittee conducted oversight hearings on the costs of kidney disease and the various alternatives to its treatment, and received recommendations from the coordinating committee reporting to the National Institute of Arthritis, Metabolism and Digestive Diseases on present and future research efforts in nephrology and urology.

Oversight hearings were conducted on the adequacy of existing and newly developed programs to address the health care needs of millions of Americans who live in medically underserved areas. In the course of these hearings, the Subcommittee examined the appropriate role of the community health centers program, the migrant health centers program, and the programs for health in underserved rural areas in meeting this national need.

In addition, the Subcommittee received testimony as to whether hospitals which serve medically underserved areas should be encouraged to plan, develop and operate primary health care centers; and whether the Department of Health, Education, and Welfare should be authorized to conduct research and demonstration projects on new and innovative ways to delivery primary health care services in medically underserved areas.

SUBCOMMITTEE ON COMMUNICATIONS

Hon. Lionel Van Deerlin, Chairman

The major legislative activity of the Subcommittee during the First Session of the 95th Congress was to review the Communications Act of 1934. Forty-four days of extensive hearings were held to examine existing policy affecting broadcasting, cable television, domestic and international common carrier, safety and special radio, and spectrum management. In addition to these hearings, the Subcommittee held a series of panel discussions dealing with FCC reform and reorganization, privacy, and special problems and needs of minorities in telecommunications issues. Background for these hearings and panel discussions was provided by a 664 page document prepared by the Subcommittee staff providing policy options which could be considered by the Subcommittee.

In exercising its oversight responsibilities over the Federal Communications Commission, the Subcommittee held three days of hearings concentrating on procedural and policy matters, spectrum management, and U.S. preparations for the 1979 World Administration Radio Conference.

The Subcommittee also continued its oversight of the enforcement of equal employment and antidiscrimination laws in public broadcasting. A report entitled "Summary of Findings and Recommendations on the Enforcement of Equal Opportunity and Antidiscrimination Laws in Public Broadcasting" was issued. The report examined three major statutory provisions and dealt primarily with the enforcement responsibilities of federal departments and agencies and the appropriate roles of the public broadcasting entities. The report set forth specific recommendations for statutory changes to secure and strengthen EEO policy for public broadcasting.

Hearings were conducted regarding sex and violence on television and its impact on children. The Subcommittee sought to provide a forum in which ongoing dialogue among all interested parties could take place to discuss new approaches and solutions concerning the cause and effect relationship between televised violence and aggressive behavior.

Culminating a four-month investigation and study of the relationship between television networks and professional sports, three days of investigatory hearings were held. The Subcommittee focused on the structure of the broadcasting industry and, specifically, on network control over programming. Much of the material developed from these hearings has been turned over to the appropriate federal agencies for further examination.

The major legislative activity of the Subcommittee during the Second Session of the 95th Congress was to rewrite the Communications Act of 1934. Thirty-three days of hearings were held on H.R. 13015, The Communications Act of 1978, and over 500 witnesses testified before the Subcommittee.

The major provisions of the bill are as follows:

TITLE I. GENERAL PROVISIONS

Establishes the jurisdiction of the Communications Regulatory Commission; finds that regulation is necessary "to the extent marketplace forces are deficient."

Extends Federal jurisdiction to regulate any telephone company (except those which are strictly intrastate and do not receive compansation from the Universal Service Compensation Fund established in Title III).

Prohibits Commission regulation of cable television; eliminates all Commission rules and regulations relating to cable television.

Eliminates the "public interest, convenience and necessity" standard.

TITLE II. COMMUNICATIONS REGULATORY COMMISSION

Abolishes FCC, replacing it with the Communications Regulatory Commission, consisting of 5 commissioners; limits commissioners to a single 10-year term; provides for disapproval by either House of President's choice for chairman.

Requires elimination of current bureau structure and for periodic reorganization.

Establishes an Office of Consumer Assistance reporting directly to the Commission.

Increases the staff of commissioners to five; upgrades pay levels for that staff.

Establishes strict conflict of interest and disclosure requirements for commissioners and supervisory employees (GS–16 and above).

Establishes requirements relating to ex parte contacts in adjudicatory and rulemaking proceedings.

Subjects CRC appropriations to the annual authorization process.

TITLE III. COMMON CARRIER TELECOMMUNICATIONS

Requires CRC to designate common carriers and to classify carriers and services, and permits CRC to exempt carriers from requirements of the Act.

Eliminates requirement that Commission approve interconnection of facilities; requires carriers to provide interconnection and to notify the Commission regarding facilities construction or acquisition.

Creates a presumption that rates for competitive services are equitable; eliminates Commission's authority to suspend rates; provides protection through accounting orders and refunds; allows Commission to prescribe rates.

Requires Commission to revise depreciation procedures affecting carriers.

Allows any carrier to provide any service which the Commission finds to be telecommunications or related to telecommunications through a separate company (thereby taking AT&T out from under the restraints of the 1956 Consent Decree.)

Requires any monopoly carrier to divest itself of equipment manufacturing (three years after date of enactment).

Requires an access charge for any carrier which utilizes local exchange facilities.

Establishes the Universal Service Compensation Fund through which the Commission is mandated to maintain telephone rates at affordable levels and assure the availability of nationwide basic voice telephone service.

Requires COMSAT to establish separate subsidiary for provision of international services.

Repeals Section 222 of the 1934 Act; opens Hawaii to full service as domestic point.

Creates a task force on international telecommunications facility planning (removes Commission from primary role); eliminates prior Commission approval for construction of international facilities.

Affirms COMSAT's role as designated U.S. entity for INTELSAT and designates COMSAT as entity for purposes of INMARSAT.

Repeals the FCC's Authorized User decision.

TITLE IV. BROADCASTING SERVICES AND NONBROADCASTING RADIO SERVICES

Mandates the CRC to assign frequencies and distribute licenses so that each community, regardless of size, receives the maximum full-time television and local radio broadcasting service and nonbroadcasting radio service possible.

Establishes license fee to include scarcity value of spectrum assigned.

Creates the "Telecommunications Fund" with moneys generated by the license fee to be used primarily to cover the administrative costs of the Commission and, secondarily, to support the Public Telecommunications Programming Endowment Account, the Rural Telecommunications Loan Account, and the Minority Ownership Loan Account.

Eliminates comparative hearings; provides that licenses for which there are multiple applicants be granted on the basis of a system of random selection.

Deregulates radio except for technical standards.

Extends radio licenses to indefinite periods of time subject only to revocation.

Extends television licenses to 5 years, to become indefinite 10 years after the enactment of this Act.

Eliminates "Fairness Doctrine"; provides "Equity Principle" which applies only to television.

Exempts candidates for President, Vice President, Senate and Statewide office from equal time requirements (which apply only to television).

Prohibits Commission from specifying ascertainment procedures.

Requires television licensees to broadcast some news, public affairs, nd locally originated programming throughout the broadcast day.

Limits ownership of broadcast stations to 1 per market.

Limits multiple ownership to 5 radio and 5 television stations; provides that only 3 television stations can be located in the top 50 markets (no divestiture required; applies at time of transfer or sale).

Requires Commission to consider EEO record of any applicant for license or renewal; makes licensee violation of EEO laws a basis for revocation; restricts Commission from otherwise enforcing EEO.

Extends nonbroadcast radio licenses to ten years.

Eliminates requirement for separate construction permit and license for nonbroadcast radio applicants.

Authorizes the Commission to exempt nonbroadcast radio licensees from certain provisions of the Act.

TITLE V. ADMINISTRATIVE AND JUDICIAL PROCEDURES; PENALTIES

Requires the Commission to complete rulemakings within 1 year.

Requires the Commission to dispose of petitions for rulemaking within 90 days.

Eliminates the exclusive jurisdiction of the U.S. Court of Appreals for the District of Columbia over Commission decisions involving license renewals.

Gives the Commission exclusive authority over litigation of civil actions under the Act.

Establishes penalties and fines for violations of the Act and of Commission rules and regulations.

TITLE VI. PUBLIC TELECOMMUNICATIONS

Replaces the Corporation for Public Broadcasting with a private nonprofit corporation to be known as the "Public Telecommunications Programming Endowment," the sole purpose of which is to provide grants for the production and acquisition of programming. Provides that 50 percent of the programming funds pass directly to the public broadcasting stations to be used at their discretion for the production and acquisition of programs.

Eliminates the "matching" principle that has served as the basis for the Federal contribution to public broadcasting. Provides that until the license fee mechanism (established in Title IV) is fully phased in, the Endowment will be funded by a combination of appropriations and license fee receipts. Eventually, the Endowment will be funded totally by receipts from the license fees, and will thereby be insulated from the Congressional authorizations/appropriations process.

Clarifies the noncommercial nature of public telecommunications by placing restrictions on the receipt of gifts and donations by the Endowment and the stations. Prohibits the acceptance of donations that are earmarked for the support of specific programs or series. Also, prohibits stations from broadcasting announcements of sponsorship or underwriting associated with specific programs.

Removes restrictions on editorializing and endorsement of political candidates by the public broadcasters.

Authorizes National Telecommunications Agency to provide grants for public telecommunications facilities and operations, including interconnection facilities. Provides that a percentage of these funds will be passed through directly to the public broadcasting stations to be used at their discretion for nonprogramming costs. Also authorizes NTA to provide operational funds to nonbroadcast entities that extend the reach of public telecommunications services.

Requires that recipients of funds from NTA conform to provisions relating to open meetings, community advisory boards, EEO, and uniform accounting.

Prohibits the persons or entities responsible for managing the interconnection systems funded by NTA from producing or acquiring programming, acting as trade associations, or scheduling programs for dissemination to the public at specific times.

Maintains the existing Telecommunications Demonstration Program at the Department of Health, Education, and Welfare, and increases its authorization in order to promote fuller experimentation with the use of nonbroadcast telecommunications for the delivery of public services.

TITLE VII. NATIONAL TELECOMMUNICATIONS AGENCY

Establishes the National Telecommunications Agency (NTA), an independent establishment in the Executive Branch, which replaces the National Telecommunications and Information Administration (NTIA) in the Department of Commerce.

Requires NTA to develop and implement a national telecommunications policy, serve as principal advisor to the President in matters concerning telecommunications issues, settle disputes which may arise in connection with the development and implementation of such a policy.

Gives NTA principal authority for allocating the electromagnetic frequency spectrum. (The Commission retains responsibility for assigning actual frequencies to use of the spectrum.)

Requires NTA to develop a program for the purpose of providing low-interest loans for furnishing and improving telecommunications facilities, services, and systems in rural areas. (Loans will be available to any entity proposing to provide such facilities, services, and systems. This includes: cable television systems, telephone cooperatives, public utility districts, etc.).

Requires NTA to develop a program for the purpose of providing low-interest loans to minority individuals and businesses for the purpose of increasing diversity of ownership of television and radio broadcasting stations.

SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE

Hon. Fred B. Rooney, Chairman

Oversight of the Noise Control Act Extension

On April 19 and 21, 1977, oversight hearings were held by the Subcommittee on the effectiveness of the Noise Control Act of 1972. The focus of the hearings was on (1) the validity of criticisms of the implementation of the noise program; (2) whether the noise program should be reauthorized and if so, at what level of funding; and (3) legislative remedies that will clarify and ensure the implementation of Congressional intentions. As a result of the hearings, the Subcommittee decided not to seek additional funding for the program, but to allow it to operate on a continuing resolution for the following year.

Oversight of the Resoure Conservation and Recovery Act

On April 26 and May 18 and 19, 1977, the Subcommittee held oversight hearings to ensure that the Federal agencies involved in enforcing the Resource Conservation and Recovery Act of 1976 (Public Law 94–580), are devoting sufficient manpower to carrying out the will of the Congress under the Act. The Subcommittee also focused on the provision contained in Public Law 94–580 requiring anyone using Federal funds to purchase goods made with materials recycled from waste.

Oversight of Amtrak's Service Reduction Criteria

Section 8 of the Amtrak Improvement Act of 1975 (Public Law 94–25) required that the National Railroad Passenger Corporation submit criteria and procedures for discontinuance or addition of lines or services to the Congress. As a result of hearings held in Februray, 1976, the Subcommittee determined that Amtrak's criteria provided a workable guide for making additions or discontinuances of routes and services.

The Subcommittee continued its oversight of Amtrak with hearings on October 12 and 13, 1977, on the methodology used by Amtrak in determining which services should be reduced, and the extent to which it was proposed they would be reduced, given the fact that the appropriation of $488.5 million was insufficient for the present route structure. The Subcommittee also considered what alternative measures were being contemplated to the proposed service reductions and what assurances there are as to the reliability of Amtrak's budget projections for operating losses.

Bankruptcy of Milwaukee Railroad

In December 1977, the Chicago, Milwaukee, St. Paul & Pacific Railroad filed a petition for reorganization under the Federal Bankruptcy Act.

The Subcommittee on Transportation and Commerce held hearings on the bankruptcy of the Milwaukee Railroad on January 5, 1978, to explore the causes for the bankruptcy, condition of the Midwest railroads, and the proposals for solutions, including (1) acceleration of funding by redeemable preference shares and loan guarantees provided in Title V of the Railroad Revitalization and Regulatory Reform Act of 1976, and (2) plans and recommendations by the Secretary for mergers, consolidations, reorganizations, and other unification or coordination projects for rail services provided in section 401 ofthe Act.

Resource Conservation and Recovery Act

On March 7, 8, and 9, 1978, the Subcommittee on Transportation and Commerce held oversight hearings to discuss the specific steps the Environmental Protection Agency and others are taking to implement the Resource Recovery Act of 1976 (Public Law 94–580). The Subcommittee focused directly on the progress being made in the safe transport and disposal of hazardous waste, the techniques available to recover resources, among them energy, and solid waste disposal.

Freight Car Utilization

On July 25 and 26, 1978, the Subcommittee on Transportation and Commerce held hearings on the issue of freight car utilization and the national car shortage. The Subcommittee felt a need to survey the problem since the railroads, which need an increased volume of business to regain prosperity, have been forced to reject or delay traffic. During the hearings, the Subcommittee focused upon freight car availability and the influence of the Federal Government through its control of per diem charges, car service regulations and other policies.

Arthur D. Little, Inc., Study of National Tourism Policy

On August 1, 1978, the Subcommittee on Transportation and Commerce held an oversight hearing to review the Arthur D. Little, Inc., National Tourism Policy Final Study. The House and the Senate each participated in a study by Arthur D. Little, Inc., on national tourism policy, in order to define an appropriate role for the government in tourism and to identify the means by which the Federal Government can most effectively respond to tourism. During the hearing, the Subcommittee focused upon the findings of the study as a resource to use toward developing a coordinated, workable and effective national tourism policy.

Mandatory Deposits on Beverage Containers

On August 10, 1978, the Subcommittee on Transportation and Commerce held a hearing on the issue of mandatory deposits on beverage containers. The Subcommittee received testimony from one Member of Congress and various government and private consultants. The studies presented at the hearing will be used by the Subcommittee to weigh the benefits of a Federal system of deposits against the drawbacks of such a system.

The Railraod Retirement Board

On September 26, 1978, the Subcommittee on Transportation and Commerce held on oversight hearing to review the physical and administrative needs that the Railroad Retirement Board have been forced to deal with due to the changes in the law. Through this hearing, and similar hearings during the next session of Congress, the Subcommittee anticipates making the legislative changes needed to improve the Railroad Retirement Act so that the Board can function more efficiently.

OTHER ACTION

The Coal Pipeline Act of 1978

The Subcommittee on Transportation and Commerce held hearings on the issue of coal slurry pipelines on February 7 and 16, 1978. The Subcommittee sought sequential referral of H.R. 1609, the Coal Pipeline Act of 1978 because of its direct impact on numerous matters under the Committee's jurisdiction, i.e., the railroad common carrier system, railroad employment, energy consumption and conservation, and recovery. The Subcommittee was denied sequential referral of the bill, however, the Speaker granted it at least 30 days in which to "develop a position on the legislation".

The Subcommittee issued a committee print, "Coal Slurry Pipelines and H.R. 1609, the Coal Pipeline Act of 1978," expressing the

Subcommittee's position on the legislation. The Subcommittee believed that the construction of a coal slurry pipeline would grant privileges to the pipeline interests that no other private concern had available to them. H.R. 1609 was defeated by the House on July 19, 1978.

British Railways

The Subcommittee on Transportation and Commerce held a public hearing on September 27, 1978, for the purpose of hearing a presentation by Sir Peter Parker, Chairman of the British Railroads Board, and other representatives of British Railways, on the subject of the British railroad experience as it applies to the current issues facing the American railroad system.

The presentation and discussion centered on the fact that the British railways are nationalized, but unregulated, whereas the American railroads are privately owned, but completely regulated by the government.

SUBCOMMITTEE ON CONSUMER PROTECTION AND FINANCE

Hon. Bob Eckhardt, Chairman

The Subcommittee on Consumer Protection and Finance held two days of joint field hearings with the Subcommittee on Federal, State, and Community Services of the Select Committee on Aging, regarding unfair and anticompetitive practices in the eyeglass industry. The Federal Trade Commission had under consideration a rule precluding states and private associations from prohibiting price advertising by eye care providers. The hearings were held, in part, to give individuals outside of Washington, D.C. an opportunity to express their views and concerns about the FTC proceeding. In addition, the Subcommittees heard testimony regarding other anticompetitive practices in the eyeglass industry. Studies are currently being conducted by the Federal Trade Commission regarding such practices and their economic impact. The Subcommittee sought opinions regarding the need for legislative action in addition to the activities currently underway at the Federal Trade Commission.

Oversight of the Consumer Product Safety Commission

The Subcommittee held four days of oversight hearings on the Consumer Product Safety Commission. The hearings were held jointly with the Oversight and Investigations Subcommittee. The Subcommittees heard from a wide variety of public witnesses who expressed concern about the Commission's lackluster performance. Consumer groups criticized the Commission's failure to issue mandatory safety standards, its failure to inform consumers about the comparative safety of products, and its lack of responsiveness to consumer petitions. Both environmental and industry groups were critical of the way the Commission has responded to dangers from chemical substances contained in consumer products. Witnesses also expressed concern about such areas as flammability hazards for upholstered furniture, home insulation and hazards from artificial turf. Industry witnesses raised questions about the Commission's preemption policy and its procedures for rulemaking under the Flammable Fabrics Act.

One day of the hearings focused primarily upon the "offeror process", the process under which the Commission issues consumer product safety standards. A panel of expert witnesses discussed both management and conceptual problems inherent in the offeror process.

Oversight of the Securities and Exchange Commission

The Subcommittee on Consumer Protection and Finance and the Subcommittee on Oversight and Investigations held six days of joint hearings regarding implementation of the Securities Acts Amendments of 1975.[1] Hearing witnesses included both those charged with the administration of the law and those whose activities are governed by the law.

The 1975 legislation amended the securities acts to provide for the creation of a national market system and a national clearance and settlement system; to prohibit members of national securities exchanges from effecting transactions on such exchanges for, basically, accounts for which the member makes investment decisions; to create a Municipal Securities Rulemaking Board (MSRB) to establish rules governing the conduct of municipal securities professionals; and to provide for disclosure by institutional investors of their securities holdings and transactions.

The Subcommittees issued a joint report [2] with findings and recommendations. In general, the Subcommittees concluded that the Securities and Exchange Commission (SEC) has not moved vigorously to facilitate establishment of a national market system and that the Commission should reconsider its actions with respect to approval of the merger of the Nation's major securities clearing corporations. Further, the Subcommittees concluded that implementation by the SEC of the institutional investment disclosure provisions has been disappointingly slow. While the rule writing activities of the Municipal Securities Rulemaking Board seemed generally adequate, the Subcommittees made recommendations regarding open meetings and the composition of the Board.

Oversight of the National Highway Traffic Safety Administration

On May 6 and 9, 1977, the Subcommittee on Consumer Protection and Finance held oversight hearings on the Motor Vehicle Information and Cost Savings Act of 1972, P.L. 92–513.

The purpose of the hearing was to look in detail at each of the program areas under the Act and determine what the National Highway Traffic Safety Administration had done since 1972 on each, as well as what the agency's plans were under the new Administrator.

Oversight of the Federal Trade Commission

On June 8, 1977, the Subcommittee on Consumer Protection and Finance held one day of hearings to explore the rulemaking process of the Federal Trade Commission under the Magnuson-Moss War-

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[1] Public Law No. 94–29, 89 Stat. 97 *et seq.* (1975).

[2] Subcommittee on Oversight and Investigations and Subcommittee on Consumer Protection and Finance, 95th Cong., 1st Sess., Report on Oversight of the Functioning and Administration of the Securities Acts Amendments of 1975 (Comm. Print 1977).

nties—FTC Improvement Act of 1975, Title II. That title pre-
ribes a rather formal rulemaking process with limited cross-
camination, and the purpose of the hearing was to see how the new
rocess is working in practice. Specific rules and general concepts alike
ere addressed.

versight Hearings on Auto Repair

The Subcommittee on Consumer Protection and Finance conducted
x days of hearings on auto repair. The hearings were held in Wash-
gton, Houston, and Chicago. The Subcommittee heard from a wide
nge of witnesses including the National Highway Traffic Safety
lministration (NHTSA), the Federal Trade Commission (FTC), the
nvironmental Protection Agency (EPA), the National District
torneys Association (NDAA), the auto manufacturers, the auto
alers, consumer groups, and representatives from the auto repair
lustry.

The Subcommittee received testimony from NHTSA that con-
mers lose about $20 billion annually due to improper or unnecessary
pair and maintenance practices. The Subcommittee heard from the
TC that in 1978 as many as one million new car buyers had serious
fficulty getting warranty service for their vehicles. Representatives
the auto manufacturers explained the steps they were taking to
dress auto warranty problems. Auto repair industry groups raised
estions about the priority given repairability in designing a car and
ticized some auto manufacturers for failing to disseminate technical
lletins needed to service new model cars. Several consumer groups
l state officials testified that the primary source of auto repair prob-
ns is mechanic incompetence. The Subcommittee's own undercover
operation, conducted in cooperation with the Harris County Dis-
ct Attorney, found that 8 of the 10 mechanics visited either improp-
y diagnosed or unsatisfactorily repaired the intentionally induced
lfunction. The Subcommittee sought opinions on how the Motor
nicle Information and Cost Savings Act and the Magnuson-Moss
rranty Act could be amended to address some of the auto repair
blems.

LEGISLATIVE ACTIVITY TABLES

LE A.—*Committee legislative activities (including full committee and subcommittees)—95th Congress (1977–1978)*

s referred	2, 320
lic hearings by legislative subcommittees [1] (including full committee):	
Number	143
Bills covered	353
Hours of sitting	1, 566
Days of sitting	358
Number printed (as of Dec. 31, 1978) [2]	120
Printed pages (as of Dec. 31, 1978)	45, 199
islative executive sessions: Number	0
islative open markup sessions: [3]	
Number	205
Hours of sitting	450

hese figures do not include the Oversight and Investigations Subcommittee, which has
egislative jurisdiction. That subcommittee had 98 days of hearings, covering subject
within the jurisdiction of the full committee. Thirty-two of the hearings are printed
Dec. 31, 1978, containing 13.409 pages. Five hearings are still to be printed.
hirty-one hearings are still to be printed as of Dec. 31, 1978.
s provided in committee rule 2(e).

TABLE B.—COMMITTEE LEGISLATIVE ACTIVITY 1961–78[1] (FULL COMMITTEE AND SUBCOMMITTEES)

	Congress								
	87th	88th	89th	90th	91st	92d	93d	94th	95th
Bills referred	848	846	1,267	1,226	1,917	2,164	2,708	2,451	2,320
Public hearings by legislative subcommittees:									
Number	71	58	59	55	89	84	90	127	143
Bills covered	276	161	423	302	427	616	900	479	353
Hours of sitting	493	481	459	399	648	765	846	--------	1,566
Days of sitting	188	188	170	167	268	260	279	357	358
Number printed	56	44	51	61	89	84	90	127	120
Printed pages	9,331	12,359	12,131	12,762	20,920	25,656	31,171	47,843	45,199
Legislative executive sessions:									
Number	89	97	102	108	173	194	45	0	0
Hours of sitting	142	160	178	172	312	347	103	0	0
Legislative open markup sessions:[2]									
Number							199	287	205
Hours of sitting							346	--------	450

[1] These figures do not include work of Oversight and Investigations Subcommittee.

[2] As provided in committee rule 2(e).

APPENDIX 1

SUMMARY OF ACTION ON LEGISLATION REPORTED

AWAITING FULL COMMITTEE CONSIDERATION

H.R. 13967—Food Safety and Nutrition Amendments. (Reported to Full Committee as a Clean Bill, on August 17, 1978. Supersedes H.R. 10358. No Full Committee consideration before House adjourned sine die.)

TABLED IN FULL COMMITTEE

H. Con. Res. 273—Passive Restraint Disapproval Resolution. (Action taken on October 12, 1978).

MOTION TO REPORT FROM FULL COMMITTEE FAILED

H.R. 13048—Standards for No-Fault Motor Vehicle Accident Benefits Act. (Action taken on August 1, 1978).

AWAITING FLOOR CONSIDERATION

H.R. 6575—Voluntary Hospital Cost Containment Act of 1978. (Reported, amended, on October 13, 1978. H. Rept. 95–1789. Senate passed their version on October 12, 1978 attached to H.R. 5285 by vote of 64–22. House filed report October 13, 1978, H. Rept. 95–1789, Pt. I. House never acted on the bill before the Congress ended.)

H.R. 7684—Fire Prevention Study Act of 1978. (H. Rept. 95–989, Pt. I, March 20, 1978. Requested One Hour Open Rule on May 24, 1978. In Rules Committee when Congress adjourned.)

H.R. 10909—Clinical Lab Improvement Act of 1978. (H. Rept. 95–1004, Pt. I, March 20, 1978. Supplemental Report Pt. II, filed on May 17, 1978 (jointly referred to Ways and Means Committee, H. Rept. 95–1004, Pt. III, July 12, 1978). Companion Senate bill is S. 705. Granted a One Hour Modified Rule on September 13, 1978. Began floor consideration on October 2, 1978. Pending further consideration when Congress adjourned.)

H.R. 11192—Recombinant DNA Act. (H. Rept. 95–1005, Pt. I, March 24, 1978 (Sequentially referred to Science and Technology Committee, Pt. II, April 21, 1978). Requested One Hour Open Rule on July 14, 1978. In Rules Committee when Congress adjourned.)

H.R. 11286—National Traffic and Motor Vehicle Information and Cost Savings Act. (H. Rept. 95–1162, May 15, 1978. Pending floor action when Congress adjourned.)

H.R. 11392—Department of Energy Authorization. (H. Rept. 95–1166, Pt. II, May 19, 1978. H.R. 12163 passed in lieu on July 17, 1978 One hour open rule was granted on July 11, 1978. Pending floor action when Congress adjourned.)

H.R. 11488—Health Planning and Resources Development Act Amendments of 1978. (H. Rept. 95–1185, May 15, 1978. Failed under suspension of Rules on September 18, 1978. Granted One Hour Open Rule on September 26, 1978. Senate companion bill is S. 2410. Pending floor action when Congress adjourned. One-year authorization at present funding level included in omnibus continuing resolution H.J. Res. 1139.)

H.R. 11870—International Travel Service Act. (H. Rept. 95–1172, May 15, 1978. Senate companion bill is S. 2552. Passed House under suspensions on September 25, 1978, amended. Passed Senate, amended, by voice vote, and returned to the House. Pending further House action when Congress adjourned.)

I.R. 12162—Office of Rail Public Counsel Authorization. (H. Rept. 95–1174, May 15, 1978. Requested One Hour Open Rule on May 18, 1978—no rules meeting scheduled yet. Failed passage under suspension of rules on September 25, 1978. Pending floor consideration in House when Congress adjourned. (Note that there is funding in an appropriations bill for this office, although the authorization was not passed. Present funding level will continue however, until authorization is passed next Congress).)

I.R. 12441—Toxic Substances Control Act Authorization. (H. Rept. 95–1163, May 15, 1978. Granted One Hour Open Rule on October 4, 1978. Failed to pass under suspension of Rules on June 12, 1978. Pending in House when Congress adjourned.)

I.R. 13611—Child Health Assurance Act. (H. Rept. 95–1481 Pt. I, August 11, 1978. (Sequentially referred to the House Appropriations Committee on September 8, 1978. Reported by Appropriations, September 21, 1978, H. Rept. 95–1481, Pt. II.) Granted One Hour Open Rule on October 4, 1978. Pending Floor consideration when Congress adjourned.)

Passed House/Pending in Senate

I.R. 9434—Medicaid Programs to Puerto Rico, Virgin Islands, and Guam. (H. Rept. 95–771, Oct. 27, 1977. Passed House on Feb. 6, 1978 by a yea-nay vote: 253–106. Senate Finance Committee ordered reported, amended, with language of S. 1392, Child Health Assurance Act, included in this bill, on Oct. 3, 1978. Pending floor action in Senate when Congress adjourned.)

.R. 12163—Department of Energy Authorizations for FY 79. (H. Rept. 95–1078, Pt. III., May 19, 1978. Passed House July 17, 1978. Placed on Senate Calendar July 19, 1978. Pending floor action in Senate when Congress adjourned.)

H. Con. Res. 432—Health Care Rural Areas. (Full Committee discharged. Passed House on Dec. 6, 1977. Referred to Senate Human Resources Committee on Dec. 7, 1977. Pending in Senate committee when Congress adjourned.)

FAILED PASSAGE IN HOUSE

S. 957—Consumer Controversies Resolution Act. (Reported to Full Committee amended, Aug. 17, 1978. Full Committee ordered reported on Sept. 26, 1978, amended by voice vote. H. Rept. 95-1654, Pt. I, Sept. 28, 1978. Failed under suspension of Rules on Oct. 12, 1978. No further consideration before Congress adjourned.)

PASSED HOUSE AND SENATE

H.R. 11622/S. 1895—Fuels Transportation Safety Amendments Act of 1978. (H. Rept. 95–1167, May 15, 1978. One Hour Open Rule granted on July 25, 1978; New rule considered on Aug. 9, 1978. House passed S. 1895, amended, in lieu on Sept. 12, 1978. Senate agreed to House amendments with amendments on Sept. 29, 1978. No further action when Congress adjourned.)

CONFERENCE HELD/CONFERENCE REPORT FILED

H.R. 3816—Federal Trade Commission Authorization FY. (This bill would provide both Houses and the President with veto power over any proposed regulation by the FTC. Conferees reached agreement on February 8, 1978. Conference Report filed in the House, H. Rept. 95–892, February 22, 1978. House disagreed with report on February 28, 1978 and requested further conference. Senate agreed to further conference on August 11, 1978. Conference held on August 15, 1978. Conference Report filed in House on September 8, 1978, H. Rept. 95–1557. Rule waiving all points of order granted on September 26, 1978. House disagreed to conference report on September 28, 1978. No further action anticipated on this legislation for this Congress.)

VETOED

H.R. 12303/S. 2416—Nurse Training Amendments of 1978. (H. Rept. 95–1189, May 15, 1978. One hour open rule granted on August 2, 1978. Passed House under suspension on September 19, 1978. S. 2416 passed in lieu by House, amended, on September 19, 1978. House agreed to conference report on October 13, 1978. Senate agreed to conference report on October 15, 1978. Pocket vetoed by the President at midnight on November 11, 1978.)

PUBLIC LAWS

95–2—S. 474/H.R. 2500—Emergency Natural Gas (signed by President on February 2, 1977). See S. 2355.

95–20—S. 1025/H.R. 3721—Increased SEC Authorization (signed by President on April 13, 1977).

95–70—S. 1468/H.R. 6794—Energy Administration Authorization Act (signed by President on July 21, 1977).

95-83—H.R. 4975, H.R. 4974, H.R. 4976—Health Assistance Program Extension Act of 1977 (signed by President on August 1, 1977).

95-95—H.R. 6161/S. 252—Clean Air Act Amendments of 1977 (signed by President on August 7, 1977).

95-137—H.R. 5742—Controlled Substances Act Appropriations Authorization Extension (signed by President on October 18, 1977).

95-142—H.R. 3/S. 143—Medicare-Medicaid Antifraud and Abuse Amendments (signed by President on October 25, 1977).

95-158—H.J. Res. 621/S.J. Res. 82—Alaska Natural Gas Transportation System Approval (signed by President on November 8, 1977).

95-190—S. 1528/H.R. 6827—Safe Drinking Water Act Amendments (signed by President on November 16, 1977).

95-193—H.R. 8777—Extend Period of Federal Assistance for Child Development Programs of the Appalachian Regional Development Act (referred to Public Works and Transportation and Interstate and Foreign Commerce Committee). Reported from PW&T October 21, 1977, H. Rept. 95-738, Pt. 1; passed House November 1, 1977; passed Senate, amended, November 4, 1977. House agreed to Senate amendments November 29, 1977. Signed by President on December 13, 1977. (The Chairman of the I&FC Committee state his intention to ask unanimous consent that the Committee be discharged from further consideration but does not intend to relinquish its jurisdiction claim in this area.)

95-199—H.R. 4049/S. 922—USRA Additional Appropriations (signed by President on November 23, 1977).

95-203—S. 1750/H.R. 8518—18 Month Review and Study of Food Additives (saccharin ban moratorium). (signed by the President on November 23, 1977).

95-208—H.R. 8159/S. 1597—Safe Containers Bill (this bill was referred to Interstate and Foreign Commerce Committee and the Merchant Marine and Fisheries Committee and as this legislation's principal impact is on vessel operations, MM&F has acted in lieu of us; however, Chairman Staggers does not intend to relinquish jurisdictional claim in this area. Passed House November 1, 1977; passed Senate, amended, November 4, 1977; House agreed to Senate amendment November 29, 1977; (signed by President on December 13, 1977.)

95-210—H.R. 8422—Rural Health Clinic Services (signed by President on December 13, 1977).

95-211—H.R. 3722/S. 1311—SEC Authorization for FY 78 (signed by President on December 19, 1977).

95-213—S. 305/H.R. 3815—Foreign Corrupt Practices Act of 1977 (signed by President on December 19, 1977).

95-215—H.R. 9418/S. 2159—Public Health Service Act Amendment, re: capitation grants for third year medical students. Also includes H.R. 4518 and H.R. 6710, unbiased consideration of applicants to medical schools with respect to their views on abortion. (signed by President on December 19, 1977.)

95-231—H.R. 5798—Appropriations for Office of Rail Public Counsel (signed by President on February 15, 1978).

95-234—H.R. 7442—Regulation of Utility Pole Attachments (signed by President on February 21, 1978).

95-236—S. 266—Authorization funds for the Energy Research and Development Administration to render financial assistance to limit radiation exposure from uranium mill tailings used for construction (signed by President on February 21, 1978).

95-283—H.R. 8331—Securities Investor Protection Act Amendments of 1978 (signed by President on May 21, 1978).

95-297—H.R. 130—Petroleum Marketing Practices Act (signed by President on June 19, 1978).

95-319—S. 2401—Insulation Safety Standards Act (signed by President on July 11, 1978).

95-363—H.R. 12106—Authorization for Appropriations for FY 79 for National Transportation Safety Board (also referred to Public Works and Transportation Committee, which reported the bill). I&FC did not take action, but the Chairman stated that it was the intention of this Committee to retain its jurisdictional claim in this area (signed by President on September 11, 1978).

95-403—H.R. 11871/S. 1896—Hazardous Materials Transportation Amendments Act. (H. Rept. 95-1170, Pt. I, May 15, 1978. Jointly referred to Public Works and Transportation Committee.) Requested One Hour Open Rule on May 18, 1978. Passed House under suspension September 19, 1978. S. 1896 passed in lieu following passage. (Signed by President on September 30, 1978.)

95-421—H.R. 11493/S. 3040—Amtrak Authorization. (Conferees agreed to file report on August 3, 1978. Report filed August 11, 1978, H. Rept. 95-1478. House agreed to conference report on September 19, 1978. Senate agreed to conference report on September 23, 1978. Signed by President on October 5, 1978.)

95-425—H.R. 11567—Securities and Exchange Commission Authorization FY 79-81. (H. Rept. 95-1010. Passed House under suspension of Rules on April 4, 1978. Passed Senate, amended, on August 9, 1978. House agreed to Senate amendments, with an amendment on September 7, 1978. Senate agreed to House amendment on September 20, 1978, clearing measure for White House action. Signed by President on October 6, 1978.)

95-461—H.R. 12348/S. 2916—Drug Abuse Prevention and Treatment Amendments of 1978. (H. Rept. 95-1187, May 15, 1978. Request for action under suspension of rules made on August 3, 1978. Passed House on September 18, 1978. S. 2916, as amended, passed in lieu on September 18, 1978. Senate agreed to House amendment, clearing measure for the White House. Signed by President on October 14, 1978.)

95-515—H.R. 14089/S. 1185—Interstate Horseracing Act of 1978. (Reported to Full Committee, without amendment, on September 20, 1978. Full Committee ordered reported on September 26, 1978 by voice vote. Request for consideration under suspension of Rules on October 4, 1978. H. Rept. 95-1733, October 6, 1978. Senate passed S. 1185 on September 26, 1978. Passed House under suspension on October 10, 1978. Subsequently, S. 1185 passed in lieu, clearing measure for White House action. Signed by the President on October 25, 1978.)

95-558—H.R. 12563/S. 3595—Magnuson/Moss FTC Improvement Act. (Reported to Full Committee without amendment, August 15, 1978. This bill is an amendment to the original Magnuson/Moss Act. No report filed in either Senate or House.

S. 3595 was passed in the Senate October 12, 1978 and passed in the House October 13, 1978 in lieu of H.R. 12563, clearing measure for White House action. Signed by the President on November 1, 1978.)

95-559—H.R. 13655/S. 2534—Health Maintenance Organization Amendments of 1978. (H. Rept. 95-1479, August 11, 1978. Passed House under suspension on September 25, 1978. S. 2534, amended, passed in lieu. House agreed to conference report on October 13, 1978. Senate agreed to conference report on October 15, 1978. Signed by the President November 1, 1978.)

95-564—H.R. 11209—Maritime Satellite Telecommunications Act. (H. Rept. 95-1134, Pt. I, May 11, 1978. Passed House May 15, 1978. Passed Senate, amended, on August 7, 1978. House asked for conference August 15, 1978. Senate agreed to conference October 12, 1978. House agreed to Senate amendment with an amendment October 13, 1978. Senate agreed to House amendment October 13, 1978, clearing measure for White House action. Signed by the President on November 1, 1978.)

95-565—H.R. 12161/S. 2788—ConRail Additional Appropriations Authorization. (H. Rept. 95-1175, May 15, 1978. Granted One Hour Open Rule with partial waiver of points of order on September 19, 1978. S. 2788 passed in lieu by House on October 15, 1978, clearing measure for White House action. Signed by the President on November 1, 1978.)

95-567—H.R. 12605—Public Telecommunications Financing Act of 1978. (H. Rept. 95-1178, May 15, 1978. Passed House on July 10, 1978. Passed Senate, amended, on September 19, 1978. Senate asked for a conference on September 19, 1978. House agreed to conference on September 25, 1978. House agreed to conference report on October 13, 1978. Senate agreed to conference report on October 14, 1978, clearing measure for White House action. Signed by the President on November 2, 1978.)

95-574—H.R. 12577/S. 3081—Federal Railroad Safety Authorization. (H. Rept. 95-1176. May 13, 1978. Granted One Hour Open Rule on September 26, 1978. S. 3081 passed in lieu by House, amended, on October 13, 1978. Senate agreed to House amendments on October 15, 1978, clearing measure for White House action. Signed by the President on November 2, 1978.)

95-597—H.R. 5646—ConRail Payments for certain medical and life insurance plans. (Reported to House June 1, 1977, H. Rept. 95-376. Passed House January 3, 1978. Passed Senate, amended, August 2, 1978. House concurred with amendments to Senate amendments October 11, 1978. Senate agreed to House amendments to Senate amendments on October 13, 1978. Signed by the President on November 4, 1978.)

95-601—H.R. 12355/S. 2584—Nuclear Regulatory Commission Authorization. (H. Rept. 95-1089, Pt. II, May 15, 1978 (Sequentially ref. from Interior Committee, Pt. I, April 26, 1978) Granted One Hour Open Rule on September 14, 1978. Senate companion bill is S. 2584. Passed House under suspension of Rules on October 4, 1978, and subsequently amended S. 2584 with House language, returning it to the Senate. House agreed to conference report October 14, 1978. Senate agreed to conference report on October 15, 1978, clearing measure for White House action. Signed by the President on November 6, 1978.)

95-602—H.R. 12326/H.R. 12467—Developmental Disabilities Amendments. (H. Rept. 95-1188, May 15, 1978. Request for action under suspension of rules made on August 3, 1978. Passed under suspension on September 19, 1978. Senate incorporated the Senate version, S. 2600, into H.R. 12467, Comprehensive Rehabilitation Services Act (a bill from Education and Labor Committee), on September 21, 1978 and asked for conference. House amended H.R. 12467 with language containing H.R. 12326, on September 26, 1978. Conferees appointed on October 2, 1978 in the House. Conference began on October 3, 1978. Tentative agreement reached on Developmental Disabilities Amendments portion on October 4, 1978. Senate agreed to conference report on October 15, 1978. House agreed to conference report on October 15, 1978, clearing measure for White House action. Signed by the President on November 6, 1978.)

95-604—H.R. 13650—Uranium Mill Tailings Control Act of 1978. (Reported to Full Committee, amended, on August 11, 1978. Full Committee ordered reported on September 26, 1978, amended by voice vote. Senate companion bill is S. 3078. Interior and Insular Affairs Committee requested One Hour Open Rule on August 10, 1978. Joint request by Interior Committee and this Committee for consideration under suspension of Rules on September 28, 1978. H. Rept. 95-1480, Pt. II, September 30, 1978. Passed House under suspension by division vote, as amended, on October 3, 1978. Passed Senate, amended, on October 13, 1978. House agreed to Senate amendment with amendments on October 14, 1978. Senate agreed to House amendment on October 15, 1978, clearing measure for White House action. Signed by the President November 8, 1978.)

95-607—H.R. 11979/S. 2981—Local Rail Service Assistance. (H. Rept. 95-1482, August 11, 1978. S. 2981 passed in lieu by House, amended, on October 13, 1978. Senate agreed to House amendments on October 15, 1978. Signed by the President on November 8, 1978.)

95-609—H.R. 12647/S. 3083—Noise Control Act Authorization. (H. Rept. 95-1176, May 15, 1978. Passed House under suspension on October 10, 1978. S. 3083 passed in lieu. Senate agreed to House amendments on October 13, 1978, clearing measure for White House action. Signed by the President November 8, 1978.)

95-611—H.R. 10898—USRA (Railway Association) Appropriations Authorization FY 79. (H. Rept. 95-1198, May 15, 1978. Passed House, amended, August 17, 1978. Passed Senate, amended, on September 14, 1978. House agreed to Senate amendments Nos. 1, 2, and 4 on October 13, 1978. House agreed to Senate amendments Nos. 3 and 5 with amendments on October 13, 1978. Senate agreed to House amendments on October 15, 1978, clearing measure for White House action. Signed by the President on November 8, 1978.)

95-613—H.R. 12370/S. 2522—Health Services Amendments of 1978. (H. Rept. 95-1191, May 15, 1978. Incorporated into two Senate bills, S. 2474 (Title I) and S. 2522 (Family Planning Services and

Population Research and other Titles of the bill). S. 2522 passed Senate June 7, 1978. Passed House amended on October 13, 1978. House asked for conference October 13, 1978. Senate agreed to House amendment on October 15, 1978. Signed by the President on November 8, 1978.)

95-617—H.R. 4018—Public Utility Regulatory Policies Act (National Energy Act of 1978). (Passed Senate, amended, on October 6, 1977. Conference held November 14–December 1, 1977. Senate agreed to conference report October 9, 1978. House agreed to conference report October 15, 1978. Signed by the President on November 9, 1978.)

95-619—H.R. 5037—National Energy Conservation Policy Act (National Energy Act of 1978). (Passed Senate, amended, September 13, 1977. Conference held October 19–November 1, 1977. Senate agreed to conference report October 9, 1978. House agreed to conference report October 15, 1978. Signed by the President on November 9, 1978.)

95-620—H.R. 5146—Powerplant and Industrial Fuel Use Act of 1978 (National Energy Act of 1978). (Conference Report filed in the Senate on July 14, 1978. S. Rept. 95-988. Senate agreed to conference report on July 18, 1978. House agreed to conference report October 14, 1978. Signed by the President on November 9, 1978.)

95-621—H.R. 5289—Natural Gas Policy Act of 1978 (National Energy Act of 1978). (Conference report filed in the Senate on August 18, 1978, S. Rept. 95-1126. Senate agreed to the conference report on August 27, 1978. House agreed to conference report October 14, 1978. Signed by the President on November 9, 1978.)

95-622—H.R. 12347/S. 2450—Biomedical Research and Research Training Amendments. (H. Rept. 95-1192, May 15, 1978. One hour open rule granted on August 2, 1978. Passed Senate June 26, 1978. Passed House, amended, under S. 2450 on October 14, 1978. Senate agreed to House amendment October 15, 1978. Signed by the President on November 9, 1978.)

95-623—H.R. 12584/S. 2466—Health Services Research, Health Statistics, and Health Care Technology. (H. Rept. 95-1190, May 15, 1978. One hour open rule granted on August 2, 1978. Passed House September 25, 1978. S. 2466, amended, passed in lieu. House agreed to conference report on October 13, 1978. Senate agreed to conference report on October 15, 1978. Signed by the President on November 9, 1978.)

95-626—H.R. 12370/S. 2474—Health Services Amendments of 1978. (H. Rept. 95-1191, May 15, 1978. Incorporated into two Senate bills, S. 2474 (Title I) and S. 2522 (Family Planning Services and Population Research and other Titles of the bill). S. 2474 passed Senate September 29, 1978. Passed House amended on October 13, 1978. House asked for a conference October 13, 1978. Senate agreed to conference October 15, 1978. Conference report filed in House October 15, 1978. H. Rept. 95-1799. House agreed to conference report October 15, 1978. Senate agreed to conference report October 15, 1978. Signed by the President on November 10, 1978.)

95–631—H.R. 12442/S. 2796—Consumer Product Safety Act Authorization. (H. Rept. 95–1164, May 15, 1978. Senate companion bill is S. 2796, which passed the Senate August 4, 1978. House passed S. 2796, amended, in lieu on October 15, 1978. Senate agreed to House amendment October 15, 1978. Signed by the President on November 10, 1978. Public Law 95–631.)

95–633—H.R. 12009/S. 2399—Psychotropic Substances Act of 1978. (H. Rept. 95–1193, May 15, 1978. Request for action under suspension of rules made on August 3, 1978. Passed House under suspension on September 18, 1978. S. 2399, as amended, passed in lieu on September 18, 1978. Senate agreed to House amendment with amendments on October 7, 1978. House agreed to Senate amendments under suspension of rules October 13, 1978. Signed by the President on November 10, 1978.)

ACTION ON LEGISLATION REPORTED

ENERGY AND POWER SUBCOMMITTEE

REPORTED, TABLED BY HOUSE FOR SENATE BILL PASSED IN LIEU, ENACTED

H.R. 2500 (S. 474) (Mr. Staggers, Mr. Devine, Mr. Dingell, Mr. Sharp, Mr. Ottinger, Mr. Moffett, Mr. Maguire, and Mr. Moorhead of California)—To authorize the President of he United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes. Introduced January 26, 1977. Public hearing held January 29, 1977 by the Ad Hoc Subcommittee on Energy and Power. January 31, 1977 Ad Hoc Subcommittee discharged from further consideration, full Committee markup held. Ordered reported to the House, amended on January 31, 1977. (No written report.) February 1, 1977 S. 474 was called up by House under motion to suspend rules, in lieu of H.R. 2500. S. 474 passed House with amendments on February 1, 1977 by a yea-nay vote of 367–53–2. House insisted on its amendments, requested a conference and appointed conferees. On February 2, 1977, conference report filed in House (H. Rept. 95–7). Senate agreed to conference report by voice vote, House passed conference report by yea-nay vote of 336–82 and the President signed the measure on February 2, 1977. Public Law 95–2.

H.R. 6794 (S. 1468) (Mr. Staggers, Mr. Dingell, Mr. Ottinger, Mr. Sharp, Mr. Krueger, Mr. Moffett, Mr. Gammage, Mr. Russo and Mr. Moorhead of California)—To amend the Federal Energy Administration Act of 1974; to extend the duration of expiring authorities under the Act; to authorize appropriations for the FEA programs for fiscal year 1977 (supplemental) and fiscal year 1978; and to established certain controls over the activities of the FEA. Introduced April 29, 1977 as a clean bill to supersede H.R. 6241 which had been reported from the Subcommittee on

April 28, 1977. On May 5, 1977 full Committee ordered the bill favorably reported and H. Rept. 95–323 was filed on May 16. On June 6, 1977, by a yea-nay vote of 272 to 111, the House passed H.R. 6794, amended. Passage vacated and S. 1468 passed in lieu. On June 8, 1977, Senate agreed to House amendments with an amendment. On June 30, 1977, House agreed to the Senate amendment. On July 21, 1977, S. 1468 was approved by the President. Public Law 95–70.

H.R. 12355 (S. 2584) (Mr. Udall)—To authorize appropriations for the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes. H.R. 12355, introduced on April 25, 1978 was sequentially referred from the Interior and Insular Affairs Committee on April 28, 1978. Public hearings were held on the subject of NRC authorizations prior to referral on February 14, and 15, 1978. On May 3, 1978, markup was held and an amended bill was reported to the Committee. On May 10, the Committee held a markup session and ordered the measure favorably reported, amended, on the following day. The report was filed on May 15, 1978. (H. Rept. 95–1089, Part II). H.R. 12355 passed the House, amended, by voice vote on October 4, 1978. S. 2584 was then passed, amended, in lieu. On October 10, 1978, the Senate disagreed to House amendments and requested a conference. On October 14, conference report was filed in the House (H. Rept. 95–1796). This conference report was agreed to by the House and Senate by voice vote on October 14–15, 1978. The bill was approved on November 6, 1978. Public Law 95–601.

SENATE BILL REPORTED, PASSED HOUSE, ENACTED

S. 266—To amend Public Law 92–314 to authorize appropriations for financial assistance to limit radiation exposure to the public from uranium mill tailings used in construction. On April 4, 1977, S. 266 was passed by the Senate and referred to the Subcommittee 2 days later. Public hearings were held on April 29 and May 2, 1977 (Serial No. 95–69). On September 14, 1977, Subcommittee markup was held and the bill was reported to the Committee, amended. Full Committee considered the legislation on September 20, 1977 and ordered it favorably reported to the House. The report was filed on September 29, 1977 (H. Rept. 95–649, Part I). On January 24, 1977, under suspension of the Rules, the House passed S. 266 having agreed to amend the title of the Senate bill by a voice vote. On February 7, 1978, the Senate agreed to the House amendment. The bill was approved on February 21, 1978. Public Law 95–236.

REPORTED, PASSED HOUSE, ENACTED

I.J. Res. 621 (Mr. Staggers, Mr. Udall, Mr. Dingell, and Mr. Roncalio)—Approving the Presidential decision on an Alaskan natural gas transportation system. Introduced on October 12, 1977. Referred jointly to Interior and Insular Affairs Committee. Joint hearings held on October 14, 1977 with the Subcommittee on

Indian Affairs and Public Lands. (Serial No. 95-79). Markup held and measure reported on October 14, 1977. On October 18, 1977, Committee held a markup session and ordered it favorably reported to the House. Report filed on October 26, 1977 (H. Rept. 95-739, Part II). House began consideration on November 1, 1977 and on November 2, 1977. H.J. Res. 621 passed both the House and Senate by voice vote. The resolution was approved on November 8, 1977. Public Law 95-158.

H.R. 130 (Mr. Dingell)—To provide for the protection of franchised distributors and retailers of motor fuel and to encourage conservation of automotive gasoline and competition in the marketing of such gasoline by requiring that information regarding the octane rating of automotive gasoline be disclosed to consumers. Introduced on January 4, 1977. Public hearings held on February 22 and 23, 1977. (Serial No. 95-51). March 2, 8 and 9, 1977 markup held. Reported to Committee on March 9. March 29, 1977 Committee markup held and measure ordered favorably reported to the House, amended. Report filed April 5, 1977 (H. Rept. 95-161). On April 5, 1977, by a yea-nay vote of 404 to 3, the House passed H.R. 130 under suspension of the Rules. On May 9, 1978, the Senate passed, by a yea-nay vote of 95 to 0, H.R. 130, amended. The House agreed to the Senate amendment on June 6, 1978. Approved on June 19, 1978. Public Law 95-297.

H.R. 13650 (S. 3078) (Mr. Udall, Mr. Lujan, Mr. Sharp, Mr. Marriott, Jr. Johnson of California, Mr. McKay, Mr. Vento, Mr. Kazen, Mr. Roncalio, Mr. Bauman, and Mr. Rhodes.)—To authorize the Secretary of Energy to enter into cooperative agreements with certain States respecting residual radioactive material at existing sites, to provide for the regulation of uranium mill tailings under the Atomic Energy Act of 1954, and for other purposes. Introduced July 28, 1978. Public hearings held August 2, 1978. August 11, 1978, markup held and reported to Committee, amended. September 26, 1978, Committee markup held and ordered favorably reported to House, amended. Report filed September 30, 1978 (H. Rept. 95-1480, Part II). Passed House under suspension of the Rules, amended, by a division vote on October 3, 1978. Passed Senate, amended, by voice vote on October 13, 1978. House agreed to Senate amendment with amendments on October 14, 1978 and Senate then agreed to House amendments on October 15, 1978. Approved November 8, 1978. Public Law 95-604.

Reported, Tabled by House for Senate Bill Passed in Lieu

H.R. 11622 (S. 1895) (Mr. Dingell and Mr. Markey)—To amend the Natural Gas Pipeline Safety Act of 1968 to provide for the safe operation of pipelines transporting natural gas, petroleum, petroleum products and certain other materials, to provide standards with respect to the siting, construction, and operation of liquified natural gas and liquid petroleum gas facilities, and for other purposes. Introduced March 16, 1978. Public hearings held on H.R. 11622 and an earlier version, H.R. 6844, on February 20, 21, 22, March 20, 21, 22, and April 7, 13, 14, 1978. (Serial No. 95-141). On May 3, 1978, the Subcommittee held a markup session and reported the measure to the Committee, amended.

The Committee met in markup session on May 10, 1978 and ordered the bill favorably reported to the House, amended. Report filed on May 15, 1978 (H. Rept. 95–1167). Passed House, amended, by voice vote on September 12, 1978. S. 1895 was subsequently passed in lieu. On September 29, 1978, the Senate insisted on its amendment.

REPORTED, PASSED HOUSE

H.R. 12163 (Mr. Teague)—To authorize appropriations to the Department of Energy in accordance with section 261 of the Atomic Energy Act of 1954, section 305 of the Energy Reorganization Act of 1974, section 16 of the Federal Nonnuclear Energy Research and Development Reorganization Act, for energy research and development. Introduced on April 17, 1978 and sequentially referred from the Committee on Science and Technology. Public hearing held on April 25, 1978. Subcommittee markup held April 26, 27 and May 9, 1978. Reported to the Committee on May 9, amended. On May 15, 1978, the Committee held a markup session and ordered the bill, amended, reported to the House. Report filed May 19, 1978 (H. Rept. 95–1078, Part III). House began its consideration on July 14, 1978. On July 17, 1978, by a yea-nay vote of 325 to 67, H.R. 12163 passed the House, amended. In the Senate, the bill was ordered placed on the calendar.

REPORTED

H.R. 11392 (Mr. Staggers and Mr. Udall)—To authorize appropriations to the Department of Energy and the Federal Energy Regulatory Commission pursuant to section 660 of the Department of Energy Organization Act. Introduced on March 8, 1978. Public hearings held March 8, 9, 10, 13, 14, 15, 16, and April 17, 1978. Subcommittee markup held April 19, 26, 27, and May 9, 1978. On May 9, 1978, the Subcommittee reported the bill, amended. Committee markup held May 11 and 15, 1978. H.R. 11392, amended, was ordered reported to the House on May 15, 1978. Report filed on May 19, 1978 (H. Rept. 95–1166, Part II).

NATIONAL ENERGY ACT OF 1978

H.R. 6831 (H.R. 8444) (H.R. 4018) (H.R. 5263) (H.R. 5037) (H.R. 5146) (H.R. 5289) (Mr. Wright)—To establish a comprehensive National energy policy. H.R. 6831 was introduced on May 2, 1977 and referred to five standing committees of the House (Commerce, Banking, Government Operations, Public Works, and Ways and Means). Subcommittee hearings were held on May 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, and June 1, 1977. Subcommittee markup was held on June 2, 3, 6, 7, 8, 9, 10, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, and 27, 1977. Ordered reported, amended, on June 27, 1977. Committee markup held on June 28, 29, 30, July 12, 13 and 14, 1977. On July 14, 1977 the bill was ordered reported, amended, to the House. Report filed on July 19, 1977 (H. Rept. 95–496, Part IV). On July 19, 1977 the reported bill was referred to the Ad Hoc Committee on Energy. On July 20, 1977 Congressman Ashley introduced H.R. 8444 which incorporated all of the reported sections of H.R. 6831. This bill was referred to the Ad Hoc Committee for its consideration in lieu of H.R. 6831. Ad Hoc Committee markup was held on July 20, 21, and 22, 1977. The bill was ordered reported, amended, to the House on July 22, 1977. Report filed on July 27, 1977 (H. Rept. 95–543). H.R. 8444 was considered by the House on August 1, 2, 3, 4, and 5, 1977. Passed House, amended, on August 5, 1977 by a yea-nay vote of 244–177. Senate action occurred in the form of amendments to several private bills, divided into the different Titles of H.R. 8444. See below.

H.R. 4018—To suspend duty on certain doxorubicin hydrochloride antibiotics, and to encourage energy conservation in utility systems. On September 20, 1977 the Senate Energy and Natural Resources Committee reported S. 2114, Public Utilities Regulation Policy Act of 1977, to the Senate (S. Rept. 95–442). On October 6, 1977 H.R. 4018 passed Senate, amended to include the language of S. 2114, by a yea-nay vote of 86–7. On October 13, 1977 the House agreed to the Senate amendment with an amendment, asked for a conference and appointed conferees. Senate agreed to a conference and appointed conferees on the same date. Conference was held on October 18, November 14, 15, 16, 17, 18, 28, 29, and December 1, 1977. Conference Report filed in the Senate on October 6, 1978 (S. Rept. 95–1292). On October 9, 1978 the Senate agreed to the Conference Report by a yea-nay vote of 76–13. The Conference Report was filed in the House on October 10, 1978 (H. Rept. 95–1750). On October 14, 1978 the House agreed to the Conference Report by a yea-nay vote of 231–168. H.R. 4018 was approved on November 9, 1978 and became Public Law 95–617.

H.R. 5263—To suspend duty on certain bicycle parts and to establish energy taxes. Passed the Senate on October 31, 1977. On November 3, 1977 the House asked for a conference and the Senate agreed on November 4, 1977. Conference Report filed in the Senate on October 11, 1978 (S. Rept. 95–1324). Conference Report filed in the House on October 12, 1978 (H. Rept. 95–1773). Senate agreed to the Conference Report on October 14, 1978. House agreed to the Conference Report on October 14, 1978 by a yea-nay vote of 231–168. The measure was approved on November 9, 1978, becoming Public Law 95–618.

H.R. 5037—A private relief bill, and to establish a National Energy Conservation Policy. On August 18, 1977 the Senate Energy and Natural Resources Committee reported S. 2057, the National Energy Conservation Policy Act (S. Rept. 95–409). H.R. 5037, amended to include the language of S. 2057. S. 701 and Parts 1, 2, 3, and 7 of H.R. 8444, passed the Senate by a yea-nay vote of 78–4 on September 13, 1977. On October 13, 1977 the House agreed to the Senate amendments with an amendment, asked for a conference and appointed conferees. The Senate agreed to the conference on October 13, 1977 and appointed conferees. Conference was held on October 18, 19, 20, 24, 23, 26, 27, 28, 31, November 1, 1977, and June 21, 1978. On October 6, 1978 the Conference Report was filed in the Senate (S. Rept. 95–1294).

The Senate agreed to the Conference Report on October 9, 1978 by a yea-nay vote of 86–3. The Conference Report was filed in the House on October 10, 1978 (H. Rept. 95–1751). The House agreed to the Conference Report on October 14, 1978 by a vote of 231–168. Approved on November 9, 1978 becoming Public Law 95–619.

H.R. 5146—To provide for duty-free entry of bobsleds and luges, and to conserve gas and oil by fostering increased utilization of coal in electric generating facilities and major installations. On July 25, 1977 the Senate Energy and Natural Resources Committee reported S. 977, the Energy Conservation and Coal Utilization Policy Act of 1977, to the Senate (S. Rept. 95–361). H.R. 5146 passed the Senate, amended to include the language of S. 977 on coal conversion, by a yea-nay vote on September 8, 1977. On October 13, 1977 the House agreed to the Senate amendment with an amendment, asked for a conference, and appointed conferees. The Senate agreed to a conference on October 13, 1977 and appointed conferees. Conference was held on October 18, November 1, 2, 3, 4, 7, 8, 9, 10, and 11, 1977. On July 14, 1978 the Conference Report was filed in the Senate (S. Rept. 95–988). The Conference Report was agreed to in the Senate on July 18, 1978 by a yea-nay vote of 92–6. The Conference Report was filed in the House on October 10, 1978 (H. Rept. 95–1749). On October 14, 1978 the House agreed to the Conference Report by a vote of 231–168. Approved on November 9, 1978. Public Law 95–620.

H.R. 5289—A private relief bill, and to establish a comprehensive natural gas pricing policy. On September 15, 1977 the Senate Energy and Natural Resources Committee reported S. 2104, Natural Gas Policy Act (S. Rept. 95–436). On October 4, 1977 the Senate passed H.R. 5289, amended to include the language of S. 2104, by voice vote. On October 13, 1977 the House agreed to the Senate amendment with an amendment, asked for a conference and appointed conferees. The Senate agreed to a conference and appointed conferees on October 13, 1977. Conference held on October 18, December 2, 5, 6, 7, 8, 12, 13, 14, 1977, March 22, May 4, 24, June 7, 8, and 13, 1978. On August 18, 1978 the Conference Report was filed in the Senate (S. Rept. 95–1126). The Senate agreed to the Conference Report by a nay-yea vote of 57–42 on September 27, 1978. On October 10, 1978 the Conference Report was filed in the House and on October 14, 1978 it was agreed to by a vote of 231–168. Approved on November 9, 1978. Public Law 95–621.

HEALTH AND THE ENVIRONMENT SUBCOMMITTEE

H.R. 4974 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter and Mr. Madigan)—To amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for health planning and related programs. Reported from Interstate and Foreign Commerce March 26, 1977 (Rept. 95–116). Union Calendar. Passed House March 31, 1977. Referred to Senate Human Resources April 1, 1977. House agreed to a Senate amendment incorporating the text of H.R. 4974 into H.R. 4975 on May 11, 1977.

H.R. 4975 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Madigan)—To amend the Public Health Service Act to authorize appropriations for fiscal year 1978 for biomedical research and related programs. Reported from Interstate and Foreign Commerce March 26, 1977 (Rept. 95–117). Union Calendar. Passed House March 31, 1977. Referred to Senate Human Resources April 1, 1977. Reported April 26, 1977 (Rept. 95–102). Passed Senate amended May 4, 1977. Senate asked for conference May 4, 1977. House agreed to Senate amendment with an amendment May 11, 1977. House asked for a conference May 11, 1977. Senate agreed to a conference May 17, 1977. Conference report filed in House July 14, 1977 (Rept. 95–500). Conference report filed in Senate July 14, 1977 (Rept. 95–349). Senate agreed to conference report July 15, 1977. House agreed to conference report July 20, 1977. Approved August 1, 1977. Public Law 95–83.

H.R. 4976 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Madigan)—To amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, and for other purposes. Reported from Interstate and Foreign Commerce March 26, 1977 (Rept. 95–118). Union Calendar. Passed House March 31, 1977. Referred to Senate Human Resources April 1, 1977. House agreed to a Senate amendment incorporating the text of H.R. 4976 into H.R. 4975 on May 11, 1977.

H.R. 6161 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, and Mr. Walgren)—To amend the Clean Air Act and for other purposes. Reported from Interstate and Foreign Commerce May 12, 1977 (Rept. 95–294). Union Calendar. Passed House May 26, 1977. In Senate, ordered placed on calendar June 6, 1977. Passed Senate amended June 10, 1977. Senate asked for conference June 13, 1977. House agreed to a conference June 21, 1977. Conference report filed in House August 3, 1977. (Report 95–564). House agreed to conference report August 4, 1977. Senate agreed to conference report August 4, 1977. Approved August 7, 1977. Public Law 95–95.

H.R. 5742 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Broyhill, and Mr. Skubitz)—To amend the Controlled Sub- stances Act to extend for 3 fiscal years the authorization of appropriations under that Act for the expenses of the Department of Justice in carrying out that Act. Reported from Interstate and Foreign Commerce May 12, 1977 (Rept. 95–298). Union Claendar. Rules suspended. Passed House May 17, 1977. In Senate, referred to the Judiciary May 19, 1977. Reported September 21, 1977 (Rept. 95–444). Passed Senate amended September 29, 1977. House agreed to Senate amendment October 4, 1977. Approved October 18, 1977. Public Law 95–137.

H.R. 3 (Mr. Rostenkowski and Mr. Rogers)—To strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes. (Referred jointly to Ways and Means and Interstate and Foreign Commerce). Reported from Ways and Means June 7, 1977 (Rept. 95–393, Pt. I. Reported from Interstate and Foreign Commerce July 12, 1977, Pt. II. Union Calendar. Passed House September 23, 1977. In Senate ordered placed on the calendar September 29, 1977. Passed Senate amended September 30, 1977. Senate asked for conference September 30, 1977. House agreed to a conference October 4, 1977. Conference report filed in House October 11, 1977 (Rept. 95–673). House agreed to conference report October 13, 1977. Senate agreed to conference report October 13, 1977. Approved October 25, 1977. Public Law 95–142.

H.R. 6827—S. 1528 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Ottinger, Mr. Walgren, Mr. Staggers, Mr. Carter, and Mr. Madigan)—To amend the Public Health Service Act to extend certain authorities of providing assistance to the States with respect to safe drinking water, and for other purposes. H.R. 6827 was favorably reported by the Committee on May 16, 1977. (H. Report 95–338). Passed House under suspension of the rules on July 12, 1977. Proceedings vacated. Laid on table July 12, 1977. S. 1528, as amended, passed in lieu July 12, 1977. Senate agreed to House amendments with amendments August 5, 1977. Senate requested return October 27, 1977. Requested return rescinded October 31, 1977. House agreed to Senate amendment No. 2 on November 1, 1977 and to Nos. 1 and 3 with amendments on November 1, 1977. Senate agreed to House amendments to Senate amendments Nos. 1 and 3 on November 1, 1977. Approved November 16, 1977. Public Law 95–190.

H.R. 8518—S. 1750 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Walgren, and Mr. Martin)—An Act to require studies concerning carcinogenic and other toxic substances in food, the regulation of such food, the impurities in and toxicity of saccharin, and the health benefits, if any, resulting from the use of nonnutritive sweeteners; to prohibit for eighteen months the Secretary of Health, Education, and Welfare from taking certain action restricting the continued use of saccharin as a food, drug, and cosmetic; to require certain labels and notices for foods containing saccharin; and other purposes:

H.R. 8518 was considered by the Committee on September 20, 1977, amended, and reported on October 3, 1977. (H. Report 95–658).

Passed House October 17, 1977 under suspension of the rules. Proceedings vacated. Laid on table October 17, 1977 and S. 1750, as amended, passed in lieu. Senate asked for a conference October 25, 1977. House agreed to a conference October 27, 1977. Conference report filed in the House November 3, 1977. Senate agreed to conference report November 4, 1977. Approved November 23, 1977. Public Law 95–203.

H.R. 8422 (Mr. Duncan of Tennessee, Mr. Corman, Mr. Pike, Mr. Vanik, Mr. Cotter, Mrs. Keys, Mr. Ford of Tennessee, Mr. Brodhead, Mr. Martin, and Mr. Gradison)—To amend titles

XVIII and XIX of the Social Security Act to provide payment for rural health clinic services, and for other purposes. H.R. 8422, as amended, was considered, amended, and ordered reported by voice vote of the Full Committee on September 13, 1977 (H. Report 95-548 Part II). Passed House October 17, 1977. Passed Senate October 19, 1977 with amendments; the Senate asked for a conference on October 19, 1977. The House disagreed to Senate amendments and agreed to the Conference on October 25, 1977. Conference held November 1, 1977 and conference report filed same day (H. Report 95-790). House and Senate agreed to conference report on November 29, 1977. Approved December 13, 1977. Public Law 95-210.

H.R. 9418 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Madigan)—To amend the Public Health Service Act to require increases in the enrollment of third-year medical students as a condition to medical schools' receiving capitation grants under such Act, and for other purposes. H.R. 9418 was considered by the Committee on Interstate and Foreign Commerce on October 12, 1977, amended, and reported by unanimous voice vote on October 13, 1977. (H. Report 95-707). Passed House under suspension of the rules on October 17, 1977. Passed Senate, amended, November 4, 1977. Senate asked for a conference November 4, 1977. House agreed to a conference November 29, 1977. Conference report filed in the House December 1, 1977. (H. Report 95-828). Senate agreed to conference report December 7, 1977. Approved December 19, 1977. Public Law 95-215.

H.R. 9434 (Mr. Rogers, Mr. Corrada, Mr. de Lugo, Mr. Won Pat, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Ottinger, and Mr. Walgren)—To amend the Social Security Act to increase the dollar limitations and Federal medical assistance percentages applicable to the medicaid programs of Puerto Rico, the Virgin Islands, and Guam. H.R. 9434 was considered and ordered reported by voice vote of the Committee without amendment, on October 12, 1977. The legislation was passed by the House under suspension of the rules on February 6, 1978. Similar legislation was reported by the Senate Finance Committee, but was not considered by the Senate.

H.R. 6575 (Mr. Rogers and Mr. Rostenkowski)—To establish voluntary goals for restraining hospital cost increases, to establish a National Commission on Hospital Costs, to provide support for State cost containment programs, to limit capital expenditures, to assist and encourage the discontinuance of unneeded hospital services, and for other purposes. The Committee on Interstate and Foreign Commerce ordered the bill reported with amendments on July 18, 1978; the bill was reported October 13, 1978. H.R. 6575 was reported with amendments by the Subcommittee on Health of the Ways and Means Committee, but no action was taken by the full Committee. Legislation concerning control of hospital costs was adopted by the Senate as an amendment to H.R. 5285. H.R. 5285 as amended was not considered further by the House.

H.R. 11192 (Mr. Staggers and Mr. Rogers)—To extend for two years the scope of the containment requirements and the requirements of the experimental guidelines of the National Institutes of Health respecting recombinant DNA research to include all public and private recombinant DNA activities and to provide for a study respecting research and technology involving genetic manipulation. H.R. 7897 was considered by the full Committee on Interstate and Foreign Commerce on September 27, October 12, 18, 1977, and a clean bill, H.R. 11192, was introduced on February 28, 1978. The full Committee considered and ordered reported the bill amended on March 15, 1978 and on March 24, 1978, the bill was reported to the House (H. Rept. 1005, Part I). On March 24, 1978, H.R. 11192 was sequentially referred to the Committee on Science and Technology for a period ending not later than April 21, 1978, for consideration of such provisions as fall within the jurisdiction of the Committee.

The Subcommittee on Science, Research and Technology held hearings on H.R. 11192 on April 11, 1978, and reported the bill on April 13, 1978. On April 18, 1978, the full Committee on Science and Technology considered and ordered reported the bill (H. Rept. 95-1005, Part II).

H.R. 10909 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Markey, Mr. Walgren, and Mr. Carter)—To amend the Public Health Service Act to revise and strengthen the program under that Act for national standards for and licensing of clinical laboratories to amend the Social Security Act to require laboratories providing services financed under Titles XVIII and XIX of such Act to meet the requirements of such program, and for other purposes. H.R. 10909 was considered by the Interstate and Foreign Commerce Committee on March 15, 1978, amended, and reported by voice vote on March 24, 1978 (H. Report 95-1004, parts I and II). On May 9, 1978, a public hearing on H.R. 10909 was held by the Subcommittee on Health of the Ways and Means Committee. That subcommittee considered the legislation in executive session on June 6, 1978, reporting the bill with amendments to the full Committee. The Ways and Means Committee considered H.R. 10909 and ordered it reported as amended on July 11, 1978. H.R. 10909 was pending House consideration when the 95th Congress adjourned.

Similar legislation, S. 705, passed the Senate on July 28, 1977.

H.R. 13611 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Madigan, and Ms. Mikulski)—To strengthen and improve the Medicaid early and periodic screening diagnosis and treatment program, and for other purposes. H.R. 13611 was reported without amendment by voice vote from Interstate and Foreign Commerce on August 2, 1978. The legislation was not considered by the House. Similar legislation was reported in the Senate by the Finance Committee, but was also not considered by the Senate.

H.R. 12584 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Markey, Mr, Ottinger. Mr. Walgren, and Mr. Carter)—To amend the Public Health Service Act to revise and extend the assistance programs for health services research and health statistics and for other purposes. S. 2466, the "National Institutes of Health Care Research Act of 1978", was reported by the Senate Committee on Human Resources on May 15, 1978. This legislation was rejected by the Senate on June 26, 1978. An amended version passed the Senate on August 9, 1978. Legislation to extend and expand the Federal Government's role with respect to health services research, health statistics, and health care technology was introduced by several members of the Subcommittee on Health and the Environmnet during the 95th Congress. (H. Rept. 95–1190). This legislation was passed by the House of Representatives on September 25, 1978. The provisions of H.R. 12584 were substituted for the text of S. 2466, which was passed by the House. The Senate asked for a conference, to which the House agreed. A conference was held and the conference report was filed on October 13, 1978. The House agreed to the conference report on October 13, 1978. The Senate agreed to the conference report on October 15, 1978. S. 2466 was signced by the President on November 9, 1978 and became Public Law 95–623.

H.R. 12326 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, Mr. Broyhill, and Mr. Madigan)—To amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs under that Act, and for other purposes. The legislation was reported by voice vote without amendment by the Committee on Interstate and Foreign Commerce on May 2, 1978, and was adopted by the House without amendment under suspension of the rules on September 19, 1978. Senate legislation extending the developmental disabilities program was added as an amendment to H.R. 12467. The House amended the Senate amendment with the text of H.R. 12326, and a conference ensued. The conference report was filed October 13, 1978 (H. Rept. 95–1780), and adopted by the House on October 15, 1978.

H.R. 12348—S. 2916 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Walgren, Mr. Carter, Mr. Broyhill, Mr. Madigan, and Mr. Skubitz)—To amend the Drug Abuse Office and Treatment Act of 1972 to extend the programs of assistance under that Act for drug abuse prevention, education, treatment, and rehabilitation, and for other purposes. The full Committee on Interstate and Foreign Commerce reported the bill by voice vote on May 2, 1978, and on May 15, 1978, it was reported to the House (H. Rept. 95–1187). S. 2916 passed the Senate on May 24, 1978. On September 18, 1978, H.R. 12348 passed House in amended form by voice vote under suspension of the rules, was laid on the table and S. 2916 was passed as amended in lieu. On October 2, 1978, the Senate agreed to House amendment. Approved October 14, 1978. Public Law 95–461.

H.R. 12008—S. 2399 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Skubitz, Mr. Wolff, Mr. Rodino, Mr. Mann, Mr. Murphy of Illinois, Mr. Rangel, Mr. Stark, Mr. English, Mr. Frey, Mr. Gilman, Mr. Guyer, and Mr. Biaggi)—To amend the Comprehensive Drug Abuse prevention and Control Act of 1970 and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation and exportation of psychotropic substances and for other purposes. The full Committee on Interstate and Foreign Commerce considered and ordered the bill reported by unanimous voice vote on April 25, 1978 and on May 15, 1978 it was reported to the House (H. Rept. 95–1193). On July 27, 1978, the Senate passed S. 2399. On September 18, 1978, H.R. 12008 passed the House by voice vote under suspension of the rules, was laid on the table and S. 2399 was passed as amended in lieu. The Senate agreed to the House amendments with amendments on October 7, 1978. On October 13, 1978, the House agreed to the Senate amendments under suspension of the rules. Approved November 10, 1978. Public Law 95–633.

H.R. 13655—S. 2534 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Broyhill, and Mr. Skubitz)—To amend the Public Health Service Act to revise and extend the program of assistance under that Act for health maintenance organizations. H.R. 13655 was considered by the Interstate and Foreign Commerce Committee on August 8, 1978, amended and ordered reported by a vote of 17 to 5. The bill was reported to the House on August 11, 1978. (House Report 95–1479). It passed the House under suspension of the rules on September 25, 1978, was laid on the table and S. 2534 was passed as amended in lieu. The Senate asked for a conference on October 9, 1978. The House agreed to a conference October 11, 1978. The conference report was filed in the House October 13, 1978. (Conf. Report No. 95–1784). The House agreed to the conference report October 13, 1978. The Senate agreed to the conference report October 15, 1978. It was approved November 2, 1978 and became P.L. 95–559.

H.R. 11488 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Broyhill)—To amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development. H.R. 11488 was considered by the Interstate and Foreign Commerce Committee on April 11, 1978, amended, and ordered reported by a voice vote (H. Rept. 95–1185). H.R. 11488 was considered by the House but failed to achieve the necessary two thirds vote under suspension of the rules on September 18, 1978 (261–141). It was debated under an open rule by the House on October 10, 1978 but was not voted on prior to House adjournment on October 15, 1978.

H.R. 12370—S. 2522 and H.R. 12370 and H.R. 12460—S. 2474 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, Mr. Carter, and Mr. Madigan)—To amend the Public Health Service Act and related health laws to revise and extend the programs of financial assistance for the delivery of health services, for health care delivery centers and for other purposes. H.R. 12460 and H.R. 12370 were originally introduced as H.R. 10553 on January 25, 1978. Hearings were conducted on February 21, 22, and 23, 1978 (Serial No. 95–108). The bill was subsequently considered in open executive session by the Subcommittee on Health and the Environment, amended, reported and reintroduced as two separate clean bills, H.R. 12370, the "Health Services Amendments of 1978" on April 25, 1978 and

H.R. 12460, the "Health Centers Amendments of 1978" on May 1, 1978. Both bills were considered by the Interstate and Foreign Commerce Committee on May 3, 1978. H.R. 12460 was amended, and both bills were ordered reported by voice vote. H.R. 12460 was reported to the House on May 15, 1978 (H. Rept. 95–1186) and H.R. 12370 was reported to the House on May 15, 1978, (H. Rept. 95–1191). H.R. 12460 passed the House under suspension of the rules on September 19, 1978. H.R. 12370 failed to pass the House under suspension of the rules on September 25, 1978, but passed the House on October 13, 1978. The proceedings were vacated and the bill was laid on the table. The House substituted the language of these two bills for Senate bills in the following manner. Title 1 of H.R. 12460 (Title II was the "Community Mental Health Center Amendments of 1978") and all sections of H.R. 12370, except for sections 5 and 6 (d)(2) were substituted for the language of S. 2474, and S. 2474 as amended was passed on October 13, 1978. The House asked for a conference on October 13, 1978, and the Senate agreed to the conference on October 15, 1978. The conference report was filed on October 15, 1978, and the House and Senate agreed to the conference report on October 15, 1978. S. 2474 was signed into law on November 10, 1978, and became Public Law 95–626. Sections 5 and 6(d)(2) of H.R. 12370 were substituted for the language of S. 2522 and S. 2522 as amended was passed by the House on October 13, 1978. The Senate agreed to the amendments to S. 2522 on October 15, 1978. S. 2522 was signed by the President on November 8, 1978, and became Public Law 95–613. Title II of H.R. 12460, the "Community Mental Health Center Amendments of 1978", and H.R. 12347, the "Biomedical Research and Research Training Amendments of 1978," were substituted for S. 2450. S. 2450 was signed by the President on November 9, 1978, and became Public Law 95–622.

H.R. 12347 and H.R. 12460—S. 2450 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, Mr. Madigan, and Mr. Skubitz)—To amend the Public Health Service Act to revise and extend the programs of assistance for libraries of medicine and the programs of the National Heart, Lung and Blood Institute and the National Cancer Institute, to revise and extend the program for National Research Service Awards, to extend the assistance programs for Community Mental Health Centers and Biomedical Research and for other purposes. The full Committee favorably reported the bill by voice vote on May 2, 1978 and on May 15, 1978, it was reported to the House. (H. Rept. 95–1192). On August 4, 1978, the Subcommittee on Health and the Environment held hearings on proposed legislation to create the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, and a comparable Senate bill. (S. 2579). S. 2450 passed the Senate on June 26, 1978. The House passed the House Substitute amendment to S. 2450 by voice vote under suspension of the rules on October 15, 1978. The Senate agreed to the House amendment to S. 2450 by voice vote on October 15, 1978. Approved November 9, 1978. Public Law 95–622.

H.R. 12303 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Broyhill, Mr. Madigan, and Mr. Skubitz)—To amend title VIII of the Public Health Service Act to extend for two fiscal years the program of assistance for nurse training and for other purposes. H.R. 12303 was considered by the Committee on May 2, 1978 and reported by unanimous voice vote (H. Report 95–118). It was considered by the House under the suspension calendar on September 19, 1978 and passed by a recorded vote of 393–12. Comparable legislation passed the Senate on June 7, 1978. Senate asked for a conference on October 9, 1978; House agreed to the conference on October 11, 1978 (H. Report 95–1785). House agreed to conference report October 13, 1978; Senate agreed on October 15, 1978. The conference report was vetoed by the President on November 11, 1978.

COMMUNICATIONS SUBCOMMITTEE

ACTION OF LEGISLATION REPORTED

REPORTED, PASSED HOUSE, ENACTED

H.R. 7442 (S. 1547) (Wirth, Broyhill, Brown of Ohio, Brown of California, Florio, Gudger, Leggett, Markey, Murphy of New York, Pease, Preyer, Rooney, Rose, Waxman, Wilson of California)—to amend the Communications Act of 1934 to provide for the regulation of utility pole attachments and for other purposes. Introduced May 25, 1977. A hearing was held on July 22, 1977. H.R. 7442 was amended and reported to the full committee on October 12, 1977. On October 18, 1977, H.R. 7442 was reported to the House (H. Rept. 95–721). Passed House, amended, under suspension of Rules October 25, 1977. Referred to Senate Committee on Commerce, Science, and Transportation on October 27, 1977. S. 1547 reported to Senate (S. Rept. 95–580) on November 2, 1977. H.R. 7442 discharged by Senate Committee on Commerce, Science, and Transportation on January 31, 1978, passing Senate with Senate amendments by voice vote. House agreed to Senate amendment with amendments on February 1, 1978. On February 6, 1978, Senate disagreed to House amendments Nos. 1, 2, 3 and agreed to amendment No. 4, with an amendment; the House receded from its amendments Nos. 1, 2, and 3, and concurred in Senate amendment to House amendment No. 4. Approved February 21, 1978, Public Law 95–234.

H.R. 11209 (Staggers, Van Deerlin, Murphy of New York, Biaggi, Devine, Frey)—to provide for the establishment, ownership, operation, and governmental oversight and regulation of international maritime satellite telecommunications services. Introduced February 28, 1978. (Also referred to the Committee on Merchant Marine and Fisheries.) Public hearing held on H.R. 11209 on April 4, 1978. (Printed, Serial No. 95–101.) Reported to full Committee on April 19, 1978. Reported to full Committee on April 19, 1978. Reported to the House on May 11, 1978 (H. Rept. 1134, Part I). Passed House under suspension of Rules on May 15, 1978. On May 16, 1978 referred to the Senate Committee on Commerce, Science, and Transportation. Reported July 25, 1978, to Senate by Senate Committee on Commerce, Science and Transportation (S. Rept. 95–1036). Passed Senate, amended, by voice vote August 7, 1978. House asked for conference August 15, 1978. Senate agreed to conference October 12, 1978. Proceedings were vacated October 13, 1978, and measure cleared for White House. Approved November 1, 1978, Public Law 95–564.

H.R. 12605 (S. 2883) (Van Deerlin, Frey, Carney, Wirth, Russo, Markey, Gore, Mikulski, Waxman, Moore, Moorhead of California, Marks)—to amend the Communications Act of 1934 to extend and improve the provisions of such Act relating to long-term financing for the Corporation for Public Broadcasting and relating to certain grant programs for public telecommunications, and for other purposes. Clean bill reported by Subcommittee on Communications May 8, 1978, to supersede H.R. 12021. Public hearings were held for three days on H.R. 12021 and related bills, H.R. 11100 and H.R. 12073. H.R. 12605 ordered favorably reported to the House, amended May 15, 1978 (H. Rept. 95–1178). Passed House, amended, by voice vote on July 10, 1978. Passed Senate, amended, by voice vote on September 19, 1978. (Senate struck all after the enacting clause and substituted the language of S. 2882). Senate requested conference on September 25, 1978. Conference report filed October 12, 1978 (Report No. 95–1774). House agreed to conference report by voice vote October 13, 1978. Senate agreed to conference report by voice vote October 15, 1978. Approved November 2, 1978, Public Law 95–567.

TRANSPORTATION AND COMMERCE SUBCOMMITTEE

Action on Legislation Reported

Reported, Tabled by House for Senate Bill Passed in Lieu, Enacted

H.R. 11979 (S. 2981) (Mr. Staggers and Mr. Rooney)—to amend section 5 of the Department of Transportation Act relating to local rail service assistance. Introduced April 10, 1978. Hearings were held on July 12 and 17, 1978. The Subcommittee considered the bill, amended it, and reported it to the full Committee on August 9, 1978. The full Committee considered the bill, amended it, and ordered it reported to the House on August 10, 1978 (H. Rept. 95–1482). The House vacated proceedings on H.R. 11979 and amended and passed S. 2981 in lieu thereof. The Senate agreed to House amendments on October 15, 1978. Approved November 8, 1978. Public Law 95–607.

H.R. 12647 (S. 3083) (Mr. Florio)—to extend the authorization for the Noise Control Act of 1972 for fiscal year 1979 and to expand the quiet communities program. Introduced May 10, 1978. Hearings were held on H.R. 12068 and H.R. 12069 on April 13, 1978. The Subcommittee considered, amended and reported H.R. 12608 to the full committee on April 18, 1978. The full Committee considered H.R. 12647, a clean bill and ordered it reported to the House on May 11, 1978 (H. Rept. 95–1171). The House, under suspension of the Rules, passed the bill on October 10, 1978. The proceeding was vacated and S. 3083 was amended and passed in lieu thereof. The Senate agreed to the House amendments on October 13, 1978. Approved November 8, 1978. Public Law 95-609.

H.R. 12577 (S. 3081) (Mr. Rooney)—to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes. Introduced May 4, 1978. Hearings were held on H.R. 10556 on March 15, and 16, 1978 (Serial No. 95-127). The Subcommittee considered the bill on May 4 and reported a clean bill (H.R. 12577) to the full Committee. The full Committee considered H.R. 12577 and amended it on May 11, 1978, and ordered it reported to the House (H. Rept. 95-1176). The House amended and passed S. 3081 in lieu of H.R. 12577 on October 13, 1978. The Senate agreed to the House amendments on October 15, 1978. Approved November 2, 1978. Public Law 95-574.

H.R. 12161 (S. 2788) (Mr. Staggers and Mr. Rooney)—to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations to the United States Railway Association for purposes of purchasing securities of the Consolidated Rail Corporation. Introduced April 17, 1978. Hearings were held on H.R. 11492 on April 11, 12, and 17, 1978. The Subcommittee considered H.R. 12161 and reported it to the full Committee on April 19, 1978. The full Committee considered the bill and ordered it reported to the House on May 3, 1978 (H. Rept. 95-1175). The House vacated proceedings on H.R. 12161 and passed S. 2788 in lieu thereof on October 15, 1978. Approved November 1, 1978. Public Law 95-565.

H.R. 14089 (S. 1185) (Mr. Rooney, Mr. Perkins, Mr. Chappell, Mr. Murphy of New York, Mr. Lent, Mr. Carter, and Mr. Kemp)—to regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry. Introduced September 14, 1978. Hearings were held on September 19, 1978. The Subcommittee considered the bill, and reported it to the full Committee on September 20, 1978. The full Committee considered the bill, amended it, and ordered it reported to the House on September 26, 1978 (H. Rept. 95-1733). The Senate passed S. 1185 on September 26, 1978. The House passed the bill under suspension of the Rules on October 10, 1978. The proceedings were vacated and S. 1185 was passed in lieu thereof. Approved October 25, 1978. Public Law 95-515.

H.R. 11493 (S. 3040) (Mr. Staggers, Mr. Moss, Mr. Dingell, Mr. Rogers, Mr. Rooney, Mr. Murphy of New York, Mr. Carney, Mr. Metcalfe)—to amend the Rail Passenger Service Act to extend the authorization of appropriations for fiscal year 1979, to provide for public consideration and implementation of a rail passenger study, and for other purposes. Introduced March 13, 1978. Hearings were held on March 20, 21, and April 5, 1978 (Serial No. 95-125). The Subcommittee considered the bill, amended it, and reported it to the full Committee on May 10, 1978. The full Committee considered the bill on May 12, and on May 15, amended it and ordered it reported to the House (H. Rept. 95-1182). The House considered the bill on June 21 and June 23, 1978. On June 23, 1978, the House amended the bill and passed it by a recorded vote of 204-89. The same day, the

House vacated the proceedings and passed S. 3040 after amending it to contain the House language On July 20, 1978, the Senate disagreed to the House amendments and requested a conference. The House agreed to the conference on July 21, 1978, and it was held on August 3, 1978. Conference report was filed in the House on August 11, 1978 (H. Rept. 95–1478). The House agreed to the conference report on September 19, 1978 and the Senate agreed to it on September 23, 1978. Approved October 5, 1978. Public Law 95–421.

H.R. 11871 (S. 1896) (Mr. Rooney)—to amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal year 1979. Introduced April 4, 1978. Hearings were held on April 10, 1978 (Serial No. 95–122). The Subcommittee considered the bill, amended it, and reported it to the full Committee on April 18, 1978. The full Committee considered the bill and ordered it reported to the House on April 24, 1978 (H. Rept. 95–1170). On September 19, 1978, the House, under suspension of the Rules, passed the bill. The proceeding was vacated and S. 1896 was passed in lieu of H.R. 11871. Approved September 30, 1978. Public Law 95–403.

REPORTED, PASSED HOUSE, ENACTED

H.R. 4049 (S. 922) (Mr. Staggers, Mr. Rooney, Mr. Devine, Mr. Skubitz)—authorize appropriation for United States Railway Association for fiscal year 1978. Introduced February 24, 1977. Hearings were held on March 15, 1977 (Serial No. 95–3). It was reported the same day to the full Committee. The full Committee considered the bill on March 29, 1977, and ordered it reported to the House (H. Rept. 95–215). On May 3, 1977, H.R. 4049 passed the House by a recorded vote of 358–50. On May 23, 1977, S. 922 passed the Senate, amended, by voice vote. The House agreed to the Senate amendments with an amendment on November 3, 1977. The Senate agreed to the House amendment on November 4, 1977. Approved November 23, 1977. Public Law 95–199.

H.R. 10898 (Mr. Rooney)—to amend the Regional Rail Reorganization Act of 1973 to authorize appropriations for the United States Railway Association for fiscal year 1979. Introduced February 3, 1978. Hearings were held on February 22, 1978 (Serial No. 95-92). It was amended and reported to the full Committee on April 18, 1978. The full Committee considered the bill, amended it and ordered it reported to the House on April 24, 1978 (H. Rept. 95–1198). The House amended the bill and passed it on August 17, 1978. The Senate amended the House bill and passed it on September 14, 1978. The House amended the Senate amendments and passed the bill on October 13, 1978. The Senate agreed to the House's amendments and passed the bill on October 15, 1978. Approved November 8, 1978. Public Law 95–611.

H.R. 5646 (Mr. Rooney, Mr. Metcalfe, Ms. Mikulski, Mr. Florio, Mr. Santini, Mr. Murphy of New York, Mr. Skubitz, Mr. Madigan, Mr. Lent, Mr. Russo, Mr. Carney)—to amend the Regional Rail Reorganization Act of 1973 to require Conrail to make premium payments under certain medical and life insurance policies. Introduced March 28, 1977. Hearings were held on

April 5, 1977 (Serial No. 95-5). It was ordered reported to the full Committee on May 4, 1977. The full Committee considered the bill on May 10, 1977 and ordered it reported to the House (H. Rept. 95-376). On January 30, 1978, the bill passed the House by a recorded vote of 314-50. The Senate amended and passed the bill on August 2, 1978. The House amended the Senate amendment and passed the bill on October 11, 1978. The Senate agreed to House amendments to Senate amendments on October 13, 1978. Approved November 4, 1978. Public Law 95-597.

H. Con. Res. 494 (Mr. Staggers, Mr. Rooney, Mr. Devine, and Mr. Skubitz). Expressing the sense of Congress regarding the operation of certain rail passenger service by the National Railroad Passenger Corporation. Introduced February 27, 1978. Hearings were held on March 14, 1978 (Serial 95-120). On the same day the Subcommittee considered the resolution and reported it to the full Committee. The full Committee considered the resolution and ordered it reported to the House (H. Rept. 95-983). The House, under suspension of the Rules, passed the resolution on March 20, 1978. On March 21, 1978, the Senate passed the resolution.

H.R. 5798 (Mr. Rooney)—to amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978. Introduced March 30, 1977. Hearings were held on April 5, 1977 (Serial No. 95-6). It was ordered reported to the full Committee on May 4, 1977. The full committee considered the bill on May 10, 1977, and ordered it reported to the House (H. Rept. 95-334). On January 30, 1978, it passed the House by a recorded vote of 318-44. The Senate passed the bill by voice vote on January 31, 1978. Approved February 15, 1978. Public Law 95-231.

REPORTED, PASSED HOUSE

H.R. 11870 (Mr. Rooney)—to amend the Act of July 19, 1940, to authorize additional appropriations and for other purposes. Introduced on April 4, 1978. Hearings were held on April 4, 1978. (Serial No. 95-123). On April 19 and 27, 1978, the Subcommittee considered the bill. On April 27, 1978, it amended the bill and reported it to the full Committee. The full Committee considered the bill and ordered it reported to the House on May 3, 1978 (H. Rept. 95-1172). The House, under suspension of the Rules, passed the bill on September 25, 1978. The Senate amended and passed the bill on October 3, 1978. The Senate-amended bill failed to come for a vote on the House floor before Congress adjourned.

REPORTED

H.R. 12162 (Mr. Staggers and Mr. Rooney)—to amend the Interstate Commerce Act to authorize an appropriation for the Office of Rail Public Counsel for fiscal year 1979. Hearings on the fiscal year 1979 authorization of appropriations for the Office of Rail Public Counsel were held on April 4, 1978. Subsequently, on April 17, 1978, H.R. 12162 was introduced. The Subcommittee considered the bill and reported it to the full Committee on April

18, 1978. The full Committee considered the bill, amended it, and ordered it reported to the House on May 3, 1978 (H. Rept. 95–1174). The House, under suspension of the Rules, on September 25, 1978, did not pass the bill.

CONSUMER PROTECTION AND FINANCE SUBCOMMITTEE

Action on Legislation Reported

Reported, Tabled by House for Senate Bill Passed in Lieu, Enacted

H.R. 3815 (S. 305) (Echkardt)—To amend the Securities Exchange Act of 1934 to make it unlawful for an issuer of securities registered pursuant to section 12 of such act or an issuer required to file reports pursuant to section 15(d) of such act to make certain payments to foreign officials and other foreign persons, and for other purposes. Introduced February 22, 1977. Hearings were held on April 20 and 21, 1977. Reported from Subcommittee May 12, 1977, and Committee on September 20, 1977 (H. Rept. 95–640). Passed House under suspension calendar, H.R. 3815 laid on table and S. 305, as amended by the House, was passed in lieu thereof on November 1, 1977. House insisted on its amendments and on November 3, 1977 selected conferees. Senate selected conferees on that date also. Conference Report filed in the House December 1, 1977, and agreed to on December 7, 1977. Senate agreed to Conference Report on December 6. Approved December 19, 1977. Public Law 95–213.

H.R. 10637 (S. 2401) (Moffett)—To amend the Consumer Product Safety Act to establish an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of certain insulation, and for other purposes. Introduced January 31, 1978. The Subcommittee on Consumer Protection and Finance held hearings on H.R. 10637 and S. 2401 on February 28, 1978. The Subcommittee met in mark-up session on the legislation on April 6, reporting the legislation to the Full Committee with amendments. The Subcommittee requested a clean bill be introduced and H.R. 11998 was introduced on April 11, 1978. Full Committee mark-up was held on April 25, 1978, and H.R. 11998 was favorably reported to the House. Committee Report No. 95–1116 was filed on May 4, 1978. H.R. 11998 was placed on the Suspension Calendar and the House considered the legislation on May 16, 1978, passing in lieu thereof S. 2401 which was amended to contain the language of H.R. 11998. On May 23, 1978, the Senate disagreed with the House amendment to S. 2401, requested a conference and appointed conferees. The House insisted on its amendment and agreed to a conference on June 6, 1978. A conference was held and an agreement reached on June 15, 1978. Conference Report No. 95–1322 was filed on June 28, 1978, with the House and Senate agreeing to the Report on June 29, 1978. Approved July 11, 1978. Public Law 95–319.

SENATE BILL REPORTED, PASSED HOUSE, ENACTED

S. 1025 (H.R. 3721 (Staggers-Devine))—To amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal year 1977. Introduced February 21, 1977. Hearings were held on March 10, 1977 (Serial No. 95–2). Subcommittee mark-up on March 22, 1977. Committee considered and favorably reported S. 1025, identical to H.R. 3721, March 29, 1977. Rules suspended and S. 1025 passed House April 4, 1977. Approved April 13, 1977. Public Law 95–20.

REPORTED, SENATE BILL CONSIDERED, PASSED HOUSE, ENACTED

H.R. 10819 (S. 2796) (Eckhardt)—To amend the Consumer Product Safety Act to extend the authorization of appropriations contained in such Act, and for other purposes. Hearings were held on H.R. 10819 on February 24, 1978. Subcommittee mark-up and reported with amendments to Full Committee on April 25, 1978. Clean bill introduced (H.R. 12442) on May 1, 1978. Full Committee reported with amendments to House on May 9, 1978. Committee Report No. 95–1164 filed on May 15, 1978. Rules Committee granted legislation an open, one hour debate rule on October 4, 1978. House considered H.R. 12442 on October 11, 1978, but failed to vote on legislation. Unanimous consent received on October 14, 1978, to consider S. 2796, companion legislation. House amended and passed S. 2796 on October 14, 1978. Senate agreed to House amendment on same day. Approved November 10, 1978. Public Law 95–631.

H.R. 12563 (S. 3595) (Eckhardt)—To amend the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act to extend the filing date of studies of the rulemaking procedures under section 18 of the Federal Trade Commission Act. Hearings held on June 15, 1978. Subcommittee mark-up held on August 15, 1978, and legislation reported favorably to Full Committee. House considered and passed S. 3593, companion legislation, on October 13, 1978. Approved November 1, 1978. Public Law 95–558.

REPORTED, PASSED HOUSE, ENACTED

H.R. 3722 (Staggers-Devine)—To amend the Securities Exchange Act of 1934 to authorize specified amounts to be appropriated for the Securities and Exchange Commission for Fiscal Year 1978. Hearings were held on March 22, 1977, and H.R. 3722 was favorably reported to the Full Committee. Full Committee mark-up was held on May 4, 1977 and the legislation reported to the House. On May 17, 1977, H.R. 3722 was considered and passed by the House. The Senate considered and amended H.R. 3722 on May 25, 1977. The House disagreed with the Senate's amendment and requested a conference. The Senate agreed to conference and a conference was held on December 1, 1977. On December 6, 1977, Conference Report No. 95–832 was filed and agreed to by the Senate. The House agreed to the Conference Report on December 7, 1977. Approved December 19, 1977. Public Law 95–211.

H.R. 8331 (Eckhardt)—To amend the Securities Investor Protection Act of 1970. Hearings held on August 1, 2 and 3, 1977. Subcommittee mark-up was held on September 7, 1977 and ordered reported. The Full Committee favorably passed to the House the legislation on September 27, 1977, and Committee Report No. 95–746 was filed on October 26, 1977. The House considered and passed the legislation on November 1, 1977. On November 3, 1977, H.R. 8331 was referred to the Senate Committee on Banking, Housing, and Urban Affairs, amended and was passed by the Senate on April 26, 1978. On May 2, 1978, the House agreed to Senate amendments 1–7, agreed to Senate amendment 9 with an amendment and asked for a conference. The Senate agreed to House amendment to Senate amendment 9 with an amendment and insisted on its amendment 8 on May 4, 1978. On May 9, the House receded and concurred with Senate amendment 8 with an amendment and agreed to Senate amendment to House amendment to Senate amendment 9. The Senate agreed to House amendment to Senate amendment 8 on May 10, 1978. Approved May 21, 1978. Public Law 95–283.

H.R. 11567 (Eckhardt)—To amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for Fiscal Years 1979–81, and for other purposes. Hearings were held on H.R. 11119 and H.R. 11140 on March 1 and 2, 1978. Subcommittee mark-up was held on March 9 and both bills were favorably reported to the Full Committee. The Full Committee considered and favorably reported H.R. 11119 and H.R. 11140 to the House on March 21, 1978. On March 22, 1978, the Full Committee considered H.R. 11567, a bill introduced after Subcommittee mark-up which incorporated the Subcommittee amendments to H.R. 11140 and the text of H.R. 11119, and favorably reported the legislation to the House. Committee Report No. 95–1010 was filed on March 30, 1978. The legislation was placed on the Suspension Calendar to be considered and passed on April 4, 1978. On August 9, 1978, H.R. 11567 was considered, amended and passed by the Senate. The House agreed to the Senate amendment on September 7, 1978, and further amended the legislation. The Senate agreed to the House amendment to the Senate amendment on September 20, 1978. Approved October 6, 1978. Public Law 95–425.

REPORTED, PASSED, AND REJECTED

H.R. 3816 (Eckhardt)—To amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes. Hearings were held on H.R. 3816 (Eckhardt), H.R. 2483 (Murphy of New York) and H.R. 1767 (Eckhardt) on March 8, 9, 15, 16, and April 26, 1977. Subcommittee mark-up was held on March 29, 30, April 5, 6, and 18, 1977. H.R. 3816, as amended by the Subcommittee, was reported on April 18,

1977. Full Committee mark-up was held on May 4, 5, 10, and 11, 1977. On May 11, 1977, H.R. 3816, as amended by the full Committee, was favorably repoted to the House. Committee Report No. 95–339 was filed on May 16, 1977. H.R. 3816 was granted an open, one hour debate rule by the Rules Committee on July 27, 1977. The House considered the legislation on October 3 and 13, 1977. On October 13, 1977, it passed the House. H.R. 3816 was sent to the Senate on October 14, 1977, and on October 17, 1977, it was placed on the Senate calendar. On October 20, 1977, H.R. 3816, as amended by the Senate, passed the Senate. On January 24, 1978, the House disagreed to the Senate amendments, requested conference and appointed conferees. The Senate insisted on its amendments, agreed to conference and appointed conferees on January 25, 1978. Conferences were held on February 1, and 8, 1978. The Conference Report No. 95–892 was filed on February 22, 1978, and agreed to by the Senate. On February 28, 1978, the House failed to agree to the Conference Report, insisted on its disagreement to the Senate amendment, and requested further conference with the Senate and appointed conferees. On August 11, 1978, the Senate insisted on its amendments and agreed to a further conference. An additional conference was held on August 15, 1978. The Conference Report No. 95–1557 was filed on September 8 with the Senate agreed to it on September 11, 1978. The House rejected the Conference Report on September 28, 1978.

Reported, Failed to Pass

S. 957—To regulate commerce by establishing national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers. Hearings were held on July 20, and 21, 1978. Subcommittee mark-up was held on August 17, 1978, and S. 957, as amended by the Subcommittee, was favorably reported to the Full Committee. The Full Committee considered the legislation and reported it to the House on September 26, 1978. Committee Report No. 95–1654 (Part 1) was filed on September 28, 1978. S. 957 was placed on the Suspension Calendar and considered by the House on October 10, 1978. The House failed to suspend the rules and pass the legislation on October 12, 1978.

Reported

H.R. 12441 (Eckhardt)—To amend the Toxic Substances Control Act to increase the authorization of appropriations contained in such Act. Hearings were held on April 26, 1978. Subcommittee mark-up was held on May 3, and 4, 1978. H.R. 12441 was reported favorably to the Full Committee on May 4, 1978. The Full Committee met and subsequently reported the legislation to the House on May 12, 1978. Committee Report No. 95–1163 was filed on May 15. H.R. 12441 was placed on the Suspension Calendar and on June 12, 1978, the House failed to suspend the rules and pass the legislation. A rule was requested from Rules Committee and on October 4, 1978, an open, one hour of general debate rule was granted. The House considered H. Res. 1409 which provided for the consideration of the legislation on October 5 and on

October 6, 1978, agreed to H. Res. 1409. The House adjourned before further consideration could occur on the legislation.

H.R. 7684 (Luken)—To amend the Flammable Fabrics Act to require the Secretary of Commerce to study the necessity and feasibility of establishing Federal standards relating to fire prevention and control. Hearings were held on July 29, 1977, in Washington, D.C., and on September 19, 1977, in Cincinatti, Ohio, Subcommittee discussed the legislation on February 16, and on February 23, 1978, the Subcommittee met in mark-up session to favorably report the legislation to the Full Committee. The Full Committee met and favorably reported without amendments to the House on March 15, 1978. Committee Report No. 95–989 was filed on March 20, 1978.

H.R. 11286 (Staggers, Devine)—To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for Fiscal Years 1979 and 1980. Hearings were held on February 15, 17 and March 3, 1978. Subcommittee mark-up was held on April 6 and H.R. 11286 was favorably reported to the Full Committee on April 6. The Full Committee considered and favorably reported the legislation to the House on April 25, 1978. Committee Report No. 95–1162 was filed on May 25, 1978.

Action on Disapproval Resolutions Pursuant to the Secretary of Transportation's Motor Vehicle Safety Standard Mandating the Installation of Passive Restraints in Automobiles beginning with the 1982 Model Year.

Not Adopted

H. Con. Res. 273 (Shuster)—House Concurrent Resolution disapproving Federal motor vehicle safety standard 208 transmitted June 30, 1977. Introduced June 30, 1977. Hearings were held on September 9 and 12, 1977. Subcommittee recommended disapproval of H. Con. Res. 273 on September 21, 1977. Subcommittee filed report supporting its negative recommendation on October 3, 1977, Sub. Rept. 95–23, and on October 5, 1977, the Subcommittee approved the report. The full Committee met on October 12, 1977, to consider H. Con. Res. 273 and the Subcommittee report. A motion to table H. Con. Res. 273 was carried by voice vote. Motor Vehicle Safety Standard 208 will take effect accordingly.

H.R. 6601 (Moss, Van Deerlin, Murphy of N.Y., Metcalfe of Ill., Scheuer, Badillo, Beilenson, Dellums, Dicks, Harrington, Mikva, Roybal, Vento), H.R. 7476 (Moss, Fenwick, Hawkins, Mitchell of Md., Nix, Nolan, Stark), H.R. 1597 (Murphy of N.Y.), H.R. 2300 (Carney), H.R. 2508 (Roybal), H.R. 5149 (Rinaldo)—Standards for No-Fault Motor Vehicle Accident Benefits Act to provide basic standards for State no-fault benefit plans for the rehabilitation and compensation of motor vehicle accident victims, and for other purposes. Hearings held on March 18, 1977 (Boston), April 5 and 6, 1977 (Fort Lauderdale), April 23, 1977 (New York) and June 13, 14, 15, 18, 21, 22, 1977 (Washington, D.C.). Subcommittee mark-ups were held on September 21, 1977, March 21, April 25, May 17 and 22, 1978. A clean bill (H.R. 13048) was ordered reported on May 22, 1978. The Full Committee met and considered H.R. 13048 on July 25 and August 1, 1978. A motion to report the legislation to the House failed on August 1, 1978.

APPENDIX 2

HEARINGS HELD

SUBCOMMITTEE ON ENERGY AND POWER

Energy Conservation in Home Heating Systems. Measures that can be initiated to conserve energy and whether legislation is required to achieve this. Hearings held January 26, March 3, 4, and 21, 1977, Serial No. 95–46.

Emergency Natural Gas Act of 1977. To authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high priority uses; to provide authority for short term emergency purchases of natural gas; and for other purposes. Hearings held by the Ad Hoc Subcommittee on Energy and Power on January 29, 1977, Serial No. 95–1.

H.R. 2500 (Mr. Staggers, Mr. Devine, Mr. Dingell, Mr. Sharp, Mr. Ottinger, Mr. Moffett, Mr. Maguire and Mr. Moorhead of California).

Strategic Petroleum Reserve (*Energy Action No. 10*). Circumstances relating to the strategic petroleum reserve plan. Hearings held February 16, 1977, Serial No. 95–54.

Petroleum Marketing Practices. To provide protection of franchised distributors and retailers of petroleum products; to encourage conservation by requiring posting of octane ratings; and to prevent deterioration of competition in gasoline marketing; and for other purposes. Hearings held February 22 and 23, 1977, Serial No. 95–51.

H.R. 130 (Mr. Dingell), H.R. 274 (Mr. Conte), H.R. 468 (Mr. Lehman), H.R. 511 (Mrs. Lloyd of Tennessee), H.R. 3478 (Mr. Brown of Ohio) and all similar and identical bills.

Long-Term Energy Policy Issues. Energy choices facing the country and the direct and indirect costs associated with these choices. Hearing held March 23, 1977, Serial No. 95–15.

Long-Term Natural Gas Issues. Long-term natural gas policy issues and questions. Hearings held March 24, 25 and April 5, 1977, Serial No. 95–70.

Domestic Crude Oil Composite Price Adjustment (*Energy Action No. 11*). A proposal for the continuation of the adjustment as a production incentive to the maximum weighted average first sale price for domestic crude oil. Hearing held March 29, 1977, Serial No. 95–13.

West Coast Electric Supply Problems. Examining the results of a joint study by the Federal Power Commission and the Federal Energy Administration on the impacts of the western drought on regional electricity generation. Hearing held on March 31, 1977, Serial No. 95–14.

Federal Energy Administration Authorization for Fiscal Year 1978. Legislative proposals to provide funding for the Federal Energy Administration for fiscal year 1978. Hearing held on April 1, 1977, Serial No. 95–61.

Federal Energy Administration Compliance Program. To amend the Federal Energy Administration Act of 1974, as amended, and for other purposes. Establishes within the FEA an Office of Inspector General. Hearing held April 6, 1977, Serial No. 95–62.

H.R. 2788 (Mr. Dingell).

Energy Conservation—Motor Vehicle's Fuel Efficiency. Ways and means to improve the fuel efficiency of motor vehicles. Hearings held April 22, 25, 1977, Serial No. 95–72. (Note: Includes CIA projection of declining global petroleum reserves.)

Nuclear Regulatory Commission Authorizations and Related Regulatory Issues. Oversight of the NRC and bills to authorize extension of an Energy Research and Development Administration program to remove uranium mill tailings, and for other purposes. Hearings held on April 29, May 2, 1977, Serial No. 95–69.

H.R. 5186 (Mr. Johnson of Colorado and Mr. Wirth), S. 266.

National Energy Act. Bills to establish a comprehensive national energy policy. Hearings held on May 9, 10, 11, 12, 13, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, June 1, 1977. Serial Nos. 95–22, 23, 24 a and b, 25, 26.

H.R. 6831 (Mr. Wright), H.R. 687 (Mr. Smith of Iowa), H.R. 1562 (Mr. Collins of Texas), H.R. 2088 (Mr. Krueger and Mr. Brown of Ohio), H.R. 2818 (Mr. Findley), H.R. 3317 (Mr. Allen), H.R. 3664 (Mr. Kemp, Mr. Moorhead of Pennsylvania, Mr. Ashley, Mr. Brown of Ohio, Mr. Dan Daniel, Mr. Dent, Mr. Derwinski, Mr. Devine, Mr. Edwards of Oklahoma, Mr. Flippo, Mr. Guyer, Mr. Harsha, Mr. Hyde, Mr. Kindness, Mr. Mollohan, Mr. Moorhead of California, Mr. Murtha, Mr. Neal, Mr. Price, Mr. Quillen, Mr. Regula, Mr. Rudd, Mr. Symms, Mr. Vander Jagt and Mr. Walsh). H.R. 6660 (Mr. Dingell, Mr. Moss, Mr. Ottinger, Mr. Moffett, Mr. Maguire, Mr. Florio, Mr. Traxler, Mr. Harrington, Mr. Ford of Michigan, Mr. Vento, Mr. Gore, Ms. Mikulski, Mr. Price, Mr. Seiberling, Mr. Miller of California, Mr. Leggett, Mr. Zeferetti, Mr. Edwards of California, Mr. Studds, Mr. Downey, Mr. Mottl, Mr. Patterson of California, Mr. Caputo, Mr. Thompson and Mr. Drinan) and all similar and identical bills.

Impact of H.R. 6804 on H.R. 6831. The impact that the legislation creating the Department of Energy, H.R. 6804, might have on the National Energy Act, H.R. 6831. Hearing held on May 24, 1977, Serial No. 95–64.

NRC and ERDA Nuclear "MUF" Data. Oversight to evaluate the usefulness and reliability of data collected by the Nuclear Regulatory Commission and the Energy Research and Development Administration on strategic nuclear material inventory differences in detecting and preventing theft or diversion of this material or as a timely indicator of such theft or diversion. Hearing held on August 8, 1977, Serial No. 95–66.

Alaskan Oil Deliverability. The causes of the delay in providing efficient and economic means of transporting Alaskan north slope oil to East Coast and northern tier States; whether proper coordination exists between Federal agencies with responsibilities affecting the delivery of this oil; and for other purposes. Hearing held on August 10, 1977, Serial No. 95–71.

Natural Gas Pipeline From Alaska. The President's decision on an Alaskan natural gas transportation system. Hearings held on September 22, 23 and October 14, 1977, Serial No. 95–79.

Industrial Energy Conservation. To amend the Energy Policy and Conservation Act to provide for the establishment of energy efficiency standards for electric motors and pumps, and for other purposes. Hearings held on September 27 and 28, 1977, Serial No. 95–85.

H.R. 8985 (Mr. Dingell).

FEA Compliance Matters. Federal Energy Administration enforcement of alleged violations of its regulations by the oil industry. Hearings held on September 28, 1977, Serial No. 95–82.

The New York City Blackout of July 13, 1977. The blackout of the electric system of the Consolidated Edison Company of New York on July 13 and 14, 1977, and the adequacy of voluntary State and Federal regulatory mechanisms to assure reliability in the Nation's electric power systems. Hearing held on October 13, 1977, Serial No. 95–88.

omprehensive Nuclear Regulatory Act of 1978. A bill to provide for the study of the economics of nuclear power; the siting, reliability, and other aspects of nuclear regulation; the disposal of wastes from nuclear plants licensed pursuant to the Atomic Energy Act of 1954; and for other purposes. Hearings held on February 7, 8, and 9, 1978, Serial No. 95–115.

.R. 9852 (Mr. Dingell).

uclear Regulatory Commission Authorizations for Fiscal Year 1979. To authorize appropriations to the NRC in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes. Hearings held on February 14 and 15, 1978. (Printing in process.)

ergy Impact of the Coal Strike. The impact of the coal strike on energy supply and measures to alleviate the problems associated with coal shortages in certain areas. Hearing held on February 16, 1978, Serial No. 95–132.

partment of Energy Authorizations for Fiscal Year 1979. Authorizing appropriations to DOE in accordance with section 660 of the Department of Energy Act, and for other purposes. Hearings held on February 16, 17, 23, March 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, April 17, 1978. (Printing in process.)

R. 11137 (Mr. Teague), H.R. 11392 (Mr. Staggers and Mr. Udall).

G Facility and Pipeline Safety. To provide for the safe operation of pipelines transporting natural gas, petroleum, petroleum products, and certain other materials; to provide standards with respect to the siting, construction, and operation of liquified natural gas and liquid petroleum gas facilities, and for other purposes. Hearings held on February 20, 21, 22, March 20, 21, 22, April 13 and 14, 1978, Serial No. 95–141.

. 6844, H.R. 11586, and H.R. 11622 (Mr. Dingell and Mr. Markey).

Expansion of the Strategic Petroleum Reserve (*Energy Action No. DOE-001*). An amendment to the Strategic Petroleum Reserve Plan to provide for its expansion, pursuant to section 159(d) of the Energy Policy and Conservation Act, Public Law 94-163. Hearing held on April 10, 1978, Serial No. 95-137.

National Coal Policy Project. The need to balance the energy needs of of the United States against the environmental consequences of a renewed emphasis on coal use. Hearing held on April 10, 1978, Serial No. 95-138.

National Energy Policy Institute Act. To amend the Energy Policy and Conservation Act to establish the means for obtaining both short-range and long-range comprehensive energy policy analysis. Hearings held on April 11 and 12, 1978, Serial No. 95-119.

H.R. 11678 (Mr. Dingell and Mr. Ottinger), H.R. 12055 (Mr. Dingell, Mr. Ottinger, Mr. Walgren and Mr. Gore).

U.S. Industry Participation in Construction of Alaskan Natural Gas Pipeline. Issue of U.S. industry participation in supplying goods and services for construction of the Alcan natural gas pipeline; the decision of the Canadian government to use 56-inch pipe for construction of a major portion of the line in Canada; and for examination of the principles underlying the Canadian legislation maximizing Canadian content as to the supply of goods and services on a generally competitive basis. Hearing held on April 24, 1978, Serial No. 95-139.

Department of Energy Authorization. Authorizing appropriations for the Department for research and development programs including nuclear, solar and fossil energy and energy conservation. Hearing held on April 25, 1978. (Printing in process.)

H.R. 12163 (Mr. Teague).

Local Energy Policies. To consider energy policies made and implemented at the local level as a means of accommodating the diversity of local energy needs and options and contributing to the fulfillment of National energy goals. Hearings held on May 22, June 5 and 9, 1978, Serial No. 95-135.

DOE Entitlements Program. To review the crude oil entitlements program and to develop the use of entitlements for residual oil imports into the East Coast; entitlement adjustments for heavy crude oil produced on the West Coast; and entitlement adjustments for small domestic refiners. Hearings held on June 12, 13, 14, 15 and 21, 1978, Serial No. 95-144.

Residential Radioactive Materials. To authorize the Secretary of Energy to enter into cooperative agreements with certain States respecting residual radioactive material at existing sites, to provide for the regulation of uranium mill tailings under the Atomic Energy Act of 1954, and for other purposes. Hearings held on June 19, 20, August 2, 1978. (Printing in process.)

H.R. 12535 (Mr. Udall and Mr. Staggers), H.R. 11698 (Mr. Marriott), H.R. 12229 (Mr. Marriott, Mr. Armstrong, Mr. Bauman, Mr. Edwards of Oklahoma, Mr. Hansen of Idaho, Mr. Johnson of Colorado, Mr. Kazen, Mr. Lujan, Mr. Murphy of Pennsylvania, Mr. Rhodes, Mr. Roncalio, Mr. Rudd, Mr. Runnells, Mr. Skubitz, Mr. Symms and Mr. Weaver), H.R. 13049 (Mr. Evans of Colorado), H.R. 13650 (Mr. Udall, Mr. Lujan, Mr. Sharp, Mr. Marriott, Mr. Johnson of Colorado, Mr. McKay, Mr. Vento, Mr. Kazen, Mr

Roncalio, Mr. Bauman and Mr. Rhodes) and all similar and identical bills.

Trans-Alaskan Oil Pipeline System: DOE Intervention. Examining Department of Energy participation in a TAPS proceeding before the Federal Energy Regulatory Commission relative to the setting of transportation charges on the TAPS pipeline. Hearings held on June 26 and 27, 1978, Serial No. 95–112.

New York Blackout of July 13, 1977. Costs and Preventive Action. The cost of the blackout of the electrical system of the Consolidated Edison Company of New York and the actions that have been taken by the company, and by local State and Federal regulatory agencies to prevent a recurrence of a massive power failure in the system. Hearing held on July 10, 1978, Serial No. 95–148.

Nuclear Licensing and Siting. To explore the problems associated with the licensing and siting of nuclear power facilities. Hearings held on July 18, 19 and 20, 1978. (Printing in process.)

Interstate Oil Compact Commission. The role of the Interstate Compact in a changed environment, its past activities and future plans; and to consider the question of whether or not to renew the Compact's authorization. Hearing held on July 21, 1978, Serial No. 95–146.

The Implication of High Energy Prices for Low-Income People. Dr. Kenneth E. F. Watt of the University of California at Davis discusses the subject of energy prices. Hearing held on September 13, 1978. (Printing in process.)

Energy Emergencies: Preparedness of the Department of Energy. Examines the adequacy of DOE energy emergency preparedness activities. Hearings held on November 17, 1978. (Printing in process.)

Pacific Northwest Electric Power Issues. To assist the electrical consumers of the Pacific Northwest through use of the Federal Columbia River power system to achieve cost-effective energy conservation. Hearings held on September 19, 27, December 11, 13 and 14, 1978. (Printing in process.)

H.R. 13931 (Mr. Meeds, Mr. Ullman, Mr. Foley, Mr. Duncan of Oregon, Mr. Dicks, Mr. McCormack, Mr. Cunningham, Mr. Hansen of Idaho and Mr. Symms).

Strategic Petroleum Reserve: Reprogramming of Funds. The Department of Energy's request that funds designated for the purchase of oil for the reserve be used for construction of storage facilities. Hearing held on December 18, 1978. (Printing in process.)

Home Heating Oil Prices and Supplies. To examine the impact of increasing heating oil prices on consumers, and actions taken by the Department of Energy to protect consumers from unwarranted price increases. Hearing held on December 20, 1978. (Printing in process.)

SUBCOMMITTEE ON HEALTH AND THE ENVIRONMENT

Extension of Health Program Authorities. To amend the Public Health Service Act, the Community Mental Health Centers Act, title V of the Social Security Act, and the program of assistance for home health services to authorize appropriations for fiscal year 1978 for health services programs, health planning and related programs, and biomedical research programs. Hearings held February 22, 23, 24, 1977, Serial No. 95–4.

H.R. 3598 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter and Mr. Madigan), H.R. 3538 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Madigan), H.R. 3539 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Ottinger, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Madigan).

Medicare-Medicaid Antifraud and Abuse Amendments. To strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes. Hearings were held jointly with the Ways and Means Health Subcommittee on March 3, 7, 1977, Serial No. 95–7.

H.R. 3 (Mr. Rostenkowski and Mr. Rogers).

Clean Air Act Amendments of 1977. To amend the Clean Air Act and for other purposes. Hearings were held on March 8, 9, 10, 11, April 18, 1977, Serial No. 95–58–Part One and Serial No. 95–59–Part Two.

H.R. 4151 (Mr. Rogers), H.R. 221 (Mr. Brodhead), H.R. 244 (Mr. Chappell), H.R. 276 (Mr. Conte), H.R. 405 (Ms. Holtzman), H.R. 4135 (Ms. Holtzman, Mrs. Chisholm, Mr. Richmond, Mr. Scheuer, Mr. Solarz, Mr. Zeferetti, Mr. Addabbo, Mr. Delaney, Mr. Wolff, Mr. Rosenthal, Mr. Biaggi, Mr. Badillo, Mr. Downey, Mr. Nowak, Mr. Murphy of New York, Mr. Kemp), H.R. 635 (Mr. Robinson), H.R. 1567 (Mr. Edwards of Alabama), H.R. 2044 (Mr. Edwards of Alabama), H.R. 2359 (Mr. Studds), H.R. 2380 (Mr. Dingell and Mr. Broyhill), H.R. 2587 (Mr. Howard), H.R. 3405 (Mr. Dingell, Mr. Broyhill, Mr. Abdnor, Mr. Blanchard, Mr. Broomfield, Mr. Brown of Michigan, Mr. Cederberg, Mr. Cochran, Mr. Collins of Texas, Mr. Dan Daniel, Mr. Devine, Mr. Duncan of Tennessee, Mr. Ford of Michigan, Mr. Goldwater, Mr. Hillis, Mr. Horton, Mr. Ketchum, Mr. Lott, Mr. McCormack, Mr. Nedzi, Mr. Price, Mr. Ruppe, Mr. Stockman, Mr. Traxler Mr. Whitehurst, H.R. 3406 (Mr. Dingell, Mr. Broyhill, Mr. Andrews of North Dakota, Mr. Badham, Mr. Bowen, Mr. Brown of Ohio, Mr. Cleveland, Mr. Edwards of Oklahoma, Mr. English, Mr. Hammerschmidt, Mr. Hubbard, Mr. Ichord, Mr. Kemp, Mr. Kindness, Mr. McDonald, Mr. Martin, Mr. Murphy of Pennsylvania, Mr. John T. Myers, Mr. Risenhoover, Mr. Sikes, Mr. Slack, Mr. Treen, Mr. Vander Jagt, Mr. Walsh, and Mr. Whitley), H.R. 4444 (Mr. Dingell and Mr. Broyhill), H.R. 4817 (Mr. Dingell, Mr. Broyhill, Mr. Blanchard, Mr. Ford of Michigan, Mr. Broomfield, Mr. Kildee, Mr. Traxler, Mr. Whitehurst, Mr. Bowen, Mr. Hubbard, Mr. Kindness, Mr. Ketchum, Mr. Nedzi, Mr. Walsh, Mr. Ashley, Mr. Andrews of North Dakota, Mr. Charles H. Wilson of California, Mr. Brodhead, Mr. Sikes, Mr. Roncalio, Mr. Badham, Mr. Cederberg, Mr. Corcoran, Mr. Martin and Mr. Brown of Ohio), H.R. 5108 (Mr. Dingell, Mr. Broyhill, Mr. Cleveland, Mr. Duncan of Tennessee, Mr. Edwards of Alabama, Mr. Horton, Mr. Whitley, Mr. English, Mr. Ruppe, Mr. Runnels, Mr. Bevill, Mr. Charles Wilson of Texas

Mr. Derwinski, Mr. Gradison, Mr. Vander Jagt, Mr. Walker, Mr. Dan Daniel, Mr. Stump, Mr. Murphy of Pennsylvania, Mr. Taylor, Mr. McCormack, Mr. Jones of Oklahoma, Mr. Collins of Texas, Mr. Symms, and Mr. Mitchell of New York), H.R. 5620 (Mr. Dingell, Mr. Broyhill, Mr. Stockman, Mr. Abdnor, Mr. Diggs, Mr. Gudger, Mr. Skelton, Mr. LaFalce, Mr. Kemp, Mr. Hillis, Mrs. Holt, Mr. Dent, Mr. Pursell, Mr. Satterfield, Mr. Stratton, Mr. Goldwater, Mr. Thone, Mr. Butler, Mr. Murtha, Mr. Devine, Mr. Lott, Mr. Hanley, Mr. Johnson of Colorado, Mr. Risenhoover, and Mr. Snyder), H.R. 5986 (Mr. Dingell, Mr. Broyhill, Mr. John T. Myers, Mr. Carr, Mr. O'Brien, Mr. Sawyer, Mr. Waggonner, Mr. Corcoran, Mr. Edwards, Mr. Brown of Michigan, Mr. Watkins, Mr. Price, Mr. Hansen, Mr. Dickinson, Mr. Sebelius, Mr. Hyde, Mr. Huckaby, Mr. Rudd, Mr. Ireland, Mr. Skubitz, Mr. Montgomery, Mr. Erlenborn, and Mr. Volkmer), H.R. 3577 (Mr. Miller of Ohio), H.R. 4758 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, and Mr. Walgren), H.R. 4812 (Mr. Carney and Mr. Walgren), H.R. 5179 (Mr. Evans of Colorado), H.R. 5210 (Mr. Quillen), H.R. 5325 (Mr. Hammerschmidt), H.R. 5937 (Mr. Carney), H.R. 6161 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Markey, and Mr. Walgren.)

Recombinant D.N.A. Research Act of 1977. To amend the Public Health Service Act to regulate research projects involving recombinant DNA and for other purposes. Hearings held on March 15, 16, 17, 1977 (Serial No. 95–18).

H.R. 3191 (Mr. Ottinger), H.R. 3591 (Mr. Ottinger, Mr. Badillo, Mr. Bedell, Mr. Corrada, Mr. Dellums, Mr. Duncan of Oregon, Mr. Edwards of California, Mr. Gilman, Mr. Howard, Mr. Hughes, Mr. Jeffords, Mr. Kostmayer, Mr. Leach, Mr. Lehman, Mr. Mikva, Mr. Moakley, Mr. Neal, Mr. Richmond, Mr. Roybal, Mr. Scheuer, Mr. Simon, Mr. Steers, Mr. Walgren, Mr. Waxman, and Mrs. Burke of California), H.R. 5020 (Mr. Ottinger, Mr. Edgar, Mr. Gephardt, Mr. Hannaford, Mr. Harkin, Mr. Martin, Mr. Rodino, Mr. Seiberling, Mr. Traxler, Mr. Tsongas), H.R. 4232 (Mr. Solarz), H.R. 4759 (Mr. Rogers, Mr. Maguire, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Markey, Mr. Walgren, Mr. Carter, and Mr. Madigan), H.R. 4849 (Mr. Rogers, and Mr. Skubitz), H. Res. 131 (Mr. Ottinger).

Proposed Saccharin Ban Oversight. Hearings were held on March 21, 22, 1977, Serial No. 95–8.

Safe Drinking Water Act Amendments of 1977. To amend the Public Health Service Act to extend certain authorities and authorize appropriations for certain fiscal years for purposes of providing assistance to the States with respect to safe drinking water, and for other purposes. Hearings were held on April 22, 1977, Serial No. 95–9.

H.R. 6159 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Ottinger, Mr. Walgren, Mr. Madigan, Mr. Staggers), H.R. 6160 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Ottinger, Mr. Walgren, Mr. Madigan and Mr. Staggers), H.R. 5830 (Mr. Rogers), H.R. 2317 (Mr. Drinan), H.R. 3750 (Mr. Johnson of Colorado), H.R. 4944 (Mr. Johnson of Colorado and Mr. Armstrong).

Drug Enforcement Administration Authorization Act of 1977. To amend the Controlled Substances Act to extend for 3 fiscal years the authorizations of appropriations under that Act for the expenses of the Department of Justice in carrying out that Act. Hearings held on April 27, 1977, Serial No. 95–30.

H.R. 5742 (Mr. Rogers, Mr. Satterfield, Mr. Prever, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Broyhill, and Mr. Skubitz).

President's Hospital Cost Containment Proposal. To establish a transitional system of hospital cost containment by providing for incentives and restraints to contain the rate of increase in hospital revenues, to establish a system of capital allocation designed to encourage communities to avoid the creation of unneeded and duplicative hospital facilities and services, to provide for the publication and disclosure of information useful to the public in making decision about health care, to provide for the development of permanent reforms in hospital reimbursement designed to provide incentives for efficient and effective use of hospital revenues, and for other purposes. Hearings were held on May 11, 12, 13, 1977 jointly with Ways and Means Health Subcommittee, Serial Nos. 95–20 (Part I) and 95–21 (Part II).

H.R. 6575 (Mr. Rogers and Mr. Rostenkowski).

Medical Treatment of Illegal Aliens. To amend the Public Health Service Act to provide financial assistance to medical facilities for treatment of certain aliens. Hearings were held on June 9, 1977, Serial No. 95–34.

H.R. 2400 (Mr. Sisk), H.R. 3697 (Mr. Sisk, Mr. Anderson of California, Mr. Burgener, Mr. Carter, Mrs. Chisholm, Ms. Collins of Illinois, Mr. Danielson, Mr. De La Garza, Mr. Ketchum, Mr. Krebs, Mr. Lagomarsino, Mr. Maguire, Mr. Moss, Mr. Murphy of New York, Mr. Rangel, Mr. Scheuer, Mr. Simon, Mr. Udall, Mr. Van Deerlin, Mr. Waxman, Mr. Bob Wilson, Mr. Charles H. Wilson of California, and Mr. Won Pat, H.R. 5031 (Mr. Sisk, Mr. Hannaford, Mr. Moorhead of California, Mr. Richmond, and Mr. Solarz), H.R. 5977 (Mr. Thompson), H.R. 6440 (Mr. Sisk and Mr. Panetta).

Clinical Laboratory Improvement Act of 1977. To amend the Public Health Service Act to revise and strengthen the program under that Act for the regulation of clinical laboratories. Hearings held June 14, 15, 1977, Serial No. 95–17.

H.R. 6221 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, and Mr. Carter).

Moratorium on Saccharin Ban To direct the Institute of Medicine of the National Academy of Sciences to conduct a one-year review and evaluation of all available information respecting the toxicity and carcinogenicity of food additives, including information respecting the ability to predict the effect on humans of food additives found to cause cancer in animals and whether there should be a weighing of risks and benefits in making regulatory decisions respecting such additives and to direct the Secretary of Health, Education, and Welfare to permit the continued use of saccharin as a food, food additive, drug, and cosmetic for eighteen months and for other purposes. Hearings held on June 27, 1977, Serial No. 95–27.

H.R. 7599 (Mr. Rogers and Mr. Carter), H.R. 4993 (Mr. Vander Jagt), H.R. 5062 (Mr. Ketchum), H.R. 5140 (Mr. Martin), H.R. 5166 (Mr. Martin, Mr. Broyhill, Mr. Preyer, Mr. Carter, Mr. Scheuer, Mr. Wirth, Mr. Madigan, Mr. Skubitz, Mr. Luken, Mr. Frenzel and Mr. Mazzoli) H.R. 5225 (Mr. Walker), H.R. 5237 (Mr. Broomfield), H.R. 5247 (Mr. Foley), H.R. 5261 (Mr. O'Brien), H.R. 5345 (Mr. Martin, Mr. Steiger, Mr. Ashley, Mr. Johnson, Mr. Crane, Mr. Bauman, Mr. Young, Mr. Lederer, Mr. Guyer, Mr. Quayle, Mr. Sarasin, Mr. Mollohan, Mrs. Spellman, Mr. Latta, Mr. Sisk, Mr. Winn, Mr. Gradison, Mr. Lehman, Mr. Prichard, Mr. O'Brien, Mr. Collins of Texas, Mr. Michel, Mr. Satterfield, Mr Poage, and Mr. Devine), H.R. 5480 (Mr. Foley), H.R. 5485 (Mr. Goodling), H.R. 5591 (Mr. Martin, Mr. Mann, Mr. Brown, Mr. Waggonner, Mr. McEwen, Mr. Solarz, Mr. Jacobs, Ms. Keys, Mr. Glickman, Mr. Andrews of North Carolina, Mr. Hefner, Mr. Bafalis, Mr. Young of Florida, Mr. Duncan of Tennessee, Mr. Levitas, Mr. Dan Daniel, Mr. Nichols, Mr. Jones of Tennessee, Mr. Bevill, Mrs. Lloyd of Tennessee, Mr. Roncalio, Mr. Findley, Mr. Vander Jagt, Mr. Kemp and Mr. Moore), H.R. 5592 (Mr. Martin, Mr. Lott, Mr. Jones of North Carolina, Mr. Jenrette, Mr. Gephardt, Mr. Walsh, Mr. Blouin, Mr. Quillen, Mr. Hall, Mr. Cohen, Mr. Le Fante, Mr. Kindness, Mr. Edwards of Oklahoma, Mr. Tucker, Mr. Davis, Mr. Corcoran, Mr. Vento, Mr. Ertel, Mr. Grassley, Mr. Rousselot, Mr. Thone, Mr. Flynt, Mr. Giaimo, and Mr. Holland), H.R. 5596 (Mr. Natcher), H.R. 5653 (Mr. Shipley), H.R. 5687 (Mr. Martin, Mr. Del Clawson, Mr. Ichord, Mr. Lagomarsino, Mr. Mikva, Mr. McClory, Mr. Montgomery, Mr. Pursell, Mr. Natcher, Mr. Regula, Mr. Patterson of California, Mr. Treen, Mr. Pickle, Mr. Beard of Tennessee, Mr. Roberts, Mr. Runnels, Mr. Derwinski, Mr. Meeds, Mr. Jeffords, Mr. Pepper, Mr. Spence, Mr. Archer, Mr. Hyde and Mr. Moakley), H.R. 5688 (Mr. Martin, Mr. Railsback, Mr. Anderson of Illinois, Mr. Pike, Mr. Abdnor, Mr. Leach, Mr. Steers, Mr. Trible, Mr. Quie, Mr. Rahall, Mr. Ruppe, Mr. Pease, Mr. Gudger, Mr. Hansen, Mr. Bedell, Mr. John L. Burton, Mr. Gibbons, Mr. Burgener, Mr. Harrington, Mr. Brooks, Mr. Brown of Michigan, Mr. Buchanan, Mr. Burleson of Texas and Mr. Don H. Clausen), H.R. 5737 (Mr. Martin, Mr. Jones of Oklahoma, Mr. Hillis, Mr. Yatron, Mr. Weaver, Mr. Nedzi, Mr. Caputo, and Mr. Carr), H.R. 5775 (Mr. Goodling), H.R. 5822 (Mr. Martin, Mr. Conable, Mr. Cochran, Mrs. Pettis, Mr. Kelly, Mr. Miller of Ohio, Mr. Lent, Mr. Marlenee, Mr. Whitley, Mr. Coleman, Mr. Corman, Mr. McKinney, Mr. Robinson, Mr. Jenkins, Mr. Whitten, and Mr. McCormack), H.R. 5867 (Mr. Alexander), H.R. 5875 (Mr. Foley, Mr. Baucus, Mr. Bowen, Mr. John L. Burton, Mr. Carr, Mr. Danielson, Mr. Derwinski, Mr. Dicks, Mr. Duncan of Oregon, Mr. Ertel, Mr. Glickman, Mr. Hightower, Mr. Jones of North Carolina, Mr. Kindness, Mr. Krebs, Mr. Mitchell, Mr. Moakley, Mr. Mottl, Mr. Nix, Mr. Pease, Mr. Sebelius, Mr. Thone, Mr. Traxler, Mr. Udall, and Mr. Walsh), H.R. 5950 (Mr. Ketchum, Mr. Byron, Mr. Fary, Mr. Harsha, Mr. Burleson of Texas, Mr. Collins of Texas, Mr. Kindness, Mr. Nix, and Mr. Mineta), H.R. 5954 (Mr. Martin, Mr. Benjamin, Mr. Symms, Mr. Stanton, Mrs. Holt, Mr. Sebelius, Mr. Dornan, Mr. Ryan, Mr. Forsythe, Mr.

Erlenborn, Mr. Simon, Mr. Hagedorn, Mrs. Meyner, Mr. John T. Myers, Mr. Stockman, Mr. Hughes, Mr. Charles Wilson of Texas, and Mr. Ketchum), H.R. 6191 (Mr. Foley, Mr. Baucus, Mr. Benjamin, Mr. Blanchard, Mr. Carney, Mr. Corrada, Mr. Davis, Mr. Hanley, Mr. Jeffords, Mr. LaFalce, Mr. Patterson, Mr. Simon, Mr. Volkmer and Mr. Mineta), H.R. 6247 (Mr. Martin, Mr. Addabbo, Mr. Robert Daniel of Virginia, Mr. Biaggi, Mr. Hammerschmidt, Mr. Shuster, Mr. Slack, Mrs. Smith of Nebraska, Mr. Taylor, Mr. Wolff, Mr. Chappell, Mr. Sikes, Mr. Goldwater of California, and Mr. McCloskey), H.R. 6316 (Mr. Hammerschmidt), H.R. 6318 (Mr. Hammerschmidt), H.R. 6600 (Mr. Martin, Mr. AuCoin, Mr. McDade, Mr. Anderson of California, Mr. Conte, Mr. LaFalce, Mr. Beard of Rhode Island, Mr. Breckinridge and Mr. Solarz), H.R. 7015 (Mr. Martin, Mr. Fish, Mr. McDonald, Mr. Mottl, Mr. Snyder, Mr. Young of Missouri), H.R. 7173 (Mr. Foley, Mr. Ammerman, Mr. Bedell, Mr. Nolan, Mr. Rose), H.R. 7317 (Mr. Martin, Mr. Rose, Mr. Hannaford, Mr. Rudd, Mr. Evans of Delaware, Mr. Dickinson, Mr. Bob Wilson of California, Mr. English and Mr. Hightower), H.R. 7611 (Mr. Heftel), H.R. 7663 (Mr. Devine), H.R. 7753 (Mr. Rogers, Mr. Satterfield, Mr. Preyer, Mr. Scheuer, Mr. Walgren, Mr. Carter, Mr. Broyhill, Mr. Madigan, Mr. Skubitz, and Mr. Martin), H.R. 7910 (Mr. Fascell), H.R. 8012 (Mr. Ottinger), H.R. 8039 (Mr. Ottinger), H.R. 8043 (Mr. Rogers, Mr. Preyer, Mr. Carter, Mr. Martin, Mr. Alexander, Mr. Allen of Tennessee, Mr. Archer, Mr. Ashley, Mr. AuCoin, Mr. Beard of Tennessee, Mr. Blanchard, Mrs. Boggs, Mr. Bowen, Mr. Brodhead, Mr. Brown of Ohio, Mr. Corcoran, Mr. Cunningham, Mr. Edwards of Oklahoma, Mr. Eilberg, Mrs. Fenwick, Mr. Fithian, Mr. Foley, Mr. Ford of Michigan, Mr. Ginn, and Mr. Glickman), H.R. 8044 (Mr. Rogers, Mr. Preyer, Mr. Carter, Mr. Martin, Mr. Gore, Mr. Guyer, Mr. Hannaford, Mr. Hefner, Mr. Heftel, Mr. Hillis, Mr. Horton, Mr. Hubbard, Mr. Hughes, Mr. Ireland, Mr. Jacobs, Mr. Kasten, Ms. Keys, Mr. Kindness, Mr. Krebs, Mr. Lagomarsino, Mr. Le Fante Mr. Lehman, Mr. Levitas, Mrs. Lloyd of Tennessee, and Mr. Lott), H.R. 8045 (Mr. Rogers, Mr. Preyer, Mr. Carter, Mr. Martin, Mr. Luken, Mr. Marks, Mr. McCormack, Mr. Milford, Mr. Miller of Ohio, Mr. Mineta, Mr. Moakley, Mr. Mollohan, Mr. Neal, Mr. Nedzi, Mr. Nowak, Miss Oakar, Mr. O'Brien, Mr. Pepper, Mr. Pritchard, Mr. Rahall, Mr. Regula, Mr. Runnels, Mr. Rinaldo, Mr. Rodino, and Mr. Rudd).

Hospital Cost Containment Act of 1977. To establish a transitional system of hospital cost containment by providing for incentives and restraints to contain the rate of increase in hospital revenues, to establish a system of capital allocation designed to encourage communities to avoid the creation of unneeded and duplicative hospital facilities and services, to provide for the publication and disclosure of information useful to the public in making decisions about health care, to provide for the development of permanent reforms in hospital reimbursement designed to provide incentives for the efficient and effective use of hospital resources and for other purposes. Hearings held on July 18, 1977, Serial No. 95-31.

H.R. 8121 (Mr. Rogers), H.R. 6575 (Mr. Rogers and Mr. Rostenkowski)

Reimbursement of Rural Clinics Under Medicare and Medicaid. To amend titles XVIII and XIX of the Social Security Act to provide payment for rural health clinic-services, and for other purposes. Hearings held on July 29, 1977, Serial No. 95–45.

H.R. 8543 (Mr. Rogers, Mr. Carter, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger, and Mr. Walgren), H.R. 8422 (Mr. Duncan of Tennessee, Mr. Corman, Mr. Pike, Mr. Vanik, Mr. Cotter, Mrs. Keys, Mr. Ford of Tennessee, Mr. Brodhead, Mr. Martin, and Mr. Gradison), H.R. 8459 (Mr. Florio, Mr. Scheuer, Mr. Walgren, Mr. Murphy of New York, Mr. Eilberg, Miss Oakar, Mr. Leggett, Mr. Van Deerlin, Mr. Bedell, and Mr. Cornwell), H.R. 791 (Mr. Broyhill), H.R. 2504 (Mr. Rostenkowski), H.R. 6259 (Mr. Carter).

Increase in Medicaid Assistance to Puerto Rico, the Virgin Islands, and Guam. To amend the Social Security Act to provide that Federal assistance to Puerto Rico, the Virgin Islands, and Guam under the AFPC, child welfare, medicaid, and social services programs shall be furnished on the same basis (under the same formula and without specific dollar ceilings) as in the case of other States, and to amend section 228 of such act to extend to Puerto Rico, the Virgin Islands, and Guam the program of special benefits at age 72 for certain uninsured individuals. Hearings were held on September 8, 1977, Serial No. 95–37.

H.R. 3871 (Mr. Corrada), H.R. 6745 (Mr. DeLugo), and H.R. 4999 (Mr. Won Pat).

Child Health Assessment Act of 1978. To strengthen and improve the early and periodic screening, diagnosis, and treatment program and for other purposes. Hearings were held on September 8, 9, 1977, Serial No. 95–43.

H.R. 6706 (Mr. Rogers), H.R. 7474 (Mr. Moss), H.R. 8401 (Mr. Moss, Mr. Maguire, Mr. Krebs, Mr. Perkins, Ms. Holtzman, Mr. Bedell, Mr. Corrada, Mr. Moffett, Mr. Murphy of Pennsylvania, Mr. Hawkins, Mr. Roe, Mr. Lent, Mr. Carney, Ms. Mikulski, Mr. Lundine, Mr. Nolan, Mr. Murphy of New York, Mr. Gephardt, Mr. Patterson of California, Mr. Patten, Mr. Brodhead, Mr. Drinan, Mr. Walgren, Mr. Cornwell, and Mr. Gibbons), H.R. 8974 (Mr. Maguire).

Review and Evaluation of the Swine Flu Immunization Program. Hearings were held September 16, 1977, Serial No. 95–50.

Health Manpower Amendments of 1977. To amend the Public Health Service Act to require increases in the enrollment of third-year medical students as a condition to medical schools receiving capitation grants under such Act. Hearings were held on September 29, 1977, Serial No. 95–47.

H.R. 9280 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Markey, Mr. Carter, and Mr. Madigan), H.R. 8519 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Maguire, Mr. Markey, Mr. Carter, and Mr. Madigan).

National Health Planning Guidelines. Hearings held on October 19, 1977, Serial No. 95–53.

Medicaid Payments for Ineligible Persons. Hearings held on November 1, 1977, Serial No. 95–48.

Liquid Protein Diets. Hearings held on December 28, 1978, Serial No. 95–83.

Maternal and Child Health Care Act of 1977. Hearings were held in San Francisco, California, on January 4, 5, 1978, Serial No. 95–86.

H.R. 1702 (Mr. Scheuer, Mr. Conyers, Mr. Charles H. Wilson of California, Mr. Bingham, Mrs. Chisholm, Mr. De Lugo, Mr. Ottinger, Mr. Rosenthal, Mr. Drinan, Mr. Diggs, Mr. Zeferetti, Mr. Fraser, Mr. Mitchell of Maryland, Mrs. Burke of California, Ms. Holtzman, Mr. Miller of California, Mr. Maguire, Mr. Pepper, Mr. Rangel, Mr. Roybal, Mr. Stokes, Mr. Hawkins, and Mr. Richmond).

Health Effects of Ionizing Radiation. Hearings were held on January 24, 25, February 8, 9, 14, 28, 1978, not yet printed.

Health Planning and Resources Development Amendments of 1978. To amend titles XV and XVI of the Public Health Service Act to revise and extend the authorities and requirements under those titles for health planning and health resources development, and for other purposes. Hearings were held on January 30, 31, February 1, 2, 1978, Serial No. 95–93, Part 1, and Serial No. 95–94, Part 2.

H.R. 10460 (Mr. Rogers).

Anti-Smoking Initiatives of the Department of Health, Education, and Welfare. Hearings were held on February 15, 1978, Serial No. 95–107.

Psychotropic Substances Act. To amend the Comprehensive Drug Abuse Prevention and Control Act of 1970 and other laws to meet obligations under the Convention on Psychotropic Substances relating to regulatory controls on the manufacture, distribution, importation, and exportation of psychotropic substances, and for other purposes. Hearings were held on February 17, 1978, Serial No. 95–99.

H.R. 9796 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Waxman, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren, Mr. Carter, Mr. Skubitz, Mr. Wolff, Mr. Rodino, Mr. Mann, Mr. Badillo, Mr. Murphy of Illinois, Mr. Rangel, Mr. Stark, Mr. English, Mr. Railsback, Mr. Frey, Mr. Gilman, Mr. Guyer, Mr. Biaggi, and Mr. Neal).

The Health Services Amendments of 1978. To amend the Public Health Services Act and related health laws to revise and extend the programs of financial assistance for the delivery of health services. Hearings were held on February 21, 22, 23, 1978, Serial No. 95–108.

H.R. 10553 (Mr. Rogers and Mr. Carter).

Biomedical Research and Research Training Amendments of 1978. To amend the Public Health Service Act to revise and extend the programs of assistance for libraries of medicine and the programs of the National Heart, Lung, and Blood Institute and the National Cancer Institute, to revise and extend the program for National Research Service Awards, and for other purposes. Hearings were held on March 1, 2, 3, 1978, Serial No. 95–109.

H.R. 10908 (Mr. Rogers), H.R. 10190 (Mr. Maguire), H.R. 10062 (Mr. Staggers).

Nurse Training Act of 1978. To amend title VII of the Public Health Service Act to extend for two fiscal years the program of assistance for nurse training. Hearings were held on March 20, 1978, Serial No. 95–96.

H.R. 11434 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Walgren, Mr. Carter, Mr. Madigan, Mr. Conte, Mr. Harrington. Mr. Walsh, Mr. Young of Alaska, Mr. Holland, and Mr. Jeffords), H.R. 512 (Mr. Lloyd of California), H.R. 2797 (Mr. Duncan of Tennessee), H.R. 2799 (Mr. Duncan of Tennessee), H.R. 10468 (Mr. Rogers and Mr. Carter), H.R. 10813 (Mr. Thone), H.R. 10845 (Mr. Quillen), H.R. 10873 (Mr. Fuqua), H.R. 11619 (Mr. Carter and Mr. Findley).

Developmental Disabilities Act Amendments of 1978. To amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs under that Act, and for other purposes. Hearings were held on April 4, 5, 1978, Serial No. 95–103.

H.R. 11764 (Mr. Rogers and Mr. Carter), H.R. 278 (Mr. Conte), H.R. 2151 (Mr. Roe), H.R. 10059 (Mr. Roe, Mrs. Burke of California, Mr. John L. Burton of California, Mr. Corman, Mr. Downey, Mr. Drinan, Mr. Gilman, Mr. Mazzoli, Mr. Metcalfe of Illinois, Mr. Moffett, and Mr. Stark).

Drug Abuse Office and Treatment Amendments of 1978. To amend the Drug Abuse Office and Treatment Act of 1972 to extend the programs of assistance under that Act for drug abuse prevention, education, treatment, and rehabilitation, and for other purposes. Hearings were held on April 10, 1978, Serial 95–102.

H.R. 11660 (Mr. Rogers).

Federal High Risk Influenza Immunization Initiative—Oversight. Hearings were held on April 20, 1978, Serial No. 95–114.

Health Services Research and Health Statistics Amendments of 1978. To amend the Public Health Service Act to revise and extend the authorities under that Act relating to health services research, and for other purposes. Hearings held on April 26, 27, 28, 1978, Serial No. 95–117.

H.R. 11763 (Mr. Rogers and Mr. Carter), H.R. 10839 (Mr. Maguire), H.R. 4869 (Mr. Waxman, Mr. Ottinger, Mr. Maguire, Mr. Florio, and Mr. Scheuer), H.R. 12166 (Mr. Waxman).

Developments in Cell Biology and Genetics—Oversight. Hearings held on May 31, 1978, Serial No. 95–105.

Drug Regulation and Reform Act of 1978. To revise and reform the Federal law applicable to drugs for human use and to establish National Center for Clinical Pharmacology within the Department of Health, Education, and Welfare. Hearings held on June 6, 12, 13, 14, 15, 19, 20, 21, 22, 23, 27, 1978, not in print yet.

H.R. 11611 (Mr. Rogers and Mr. Carter), H.R. 12980 (Mr. Rogers, Mr. Staggers, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Ottinger and Mr. Carter), H.R. 43 (Mr. Rosenthal), H.R. 44 (Mr. Rosenthal), H.R. 45 (Mr. Rosenthal), H.R. 1603 (Mr. Rogers), H.R. 1660 (Mr. Eilberg), H.R. 1963 (Mr. Murphy of New York), H.R. 2182 (Mr. Rosenthal, Mr. Corman, Mr. Downey, Mr. Drinan, Mr. Eckhardt, Mr. Fraser, Mr. Gilman, Ms. Holtzman, Mr. Howard, Mr. Hughes, Mr. Moakley, Mr. Moffett, Mr. Moorhead of Pennsylvania, Mr. Mottl, Mr. Ottinger, Mr. Pepper, Mr. Price, Mr. Richmond, Mr. Rodino, Mr. Scheuer, Mr. Solarz, Mr. St. Germain, Mr. Stark, Mr. Waxman, and Mr. Wolff), H.R. 2183 (Mr. Rosenthal and Mr. Zeferetti), H.R. 2189 (Mr. Rosenthal, Mr. Corman, Mr. Downey, Mr. Drinan, Mr. Eckhardt, Mr. Fraser, Mr. Gilman, Ms. Holtzman, Mr. Howard, Mr. Hughes, Mr. Koch, Mr. Lagomarsino, Mr. Moakley, Mr. Moffett, Mr. Moorhead of Pennsylvania, Mr. Mottl, Mr. Ottinger, Mr. Pepper, Mr. Price, Mr. Richmond, Mr. Rodino, Mr. Scheuer, Mr. Solarz, Mr. St. Germain, and Mr. Stark), H.R. 2190 (Mr. Rosenthal and Mr. Waxman, and Mr. Wolff), H.R. 2191 (Mr. Rosenthal, Mr. Brodhead, Mr. Corman, Mr. Downey, Mr. Drinan, Mr. Eckhardt, Mr. Fraser, Mr. Gilman, Mr. Howard, Mr. Koch, Mr. Moakley, Mr. Moffett, Mr. Moorhead of Pennsylvania, Mr. Mottl, Mr. Murphy of New York, Mr. Pepper, Mr. Price, Mr. Richmond, Mr. Rodino, Mr. Scheuer, Mr. Solarz, Mr. St. Germain, Mr. Stark, Mr. Waxman, and Mr. Wolff), H.R. 3770 (Mr. Oberstar), H.R. 4438 (Mr. Jones of Oklahoma), H.R. 4591 (Mr. Rosenthal, Mr. Edwards of California, Mr. Mitchell of Maryland, Mr. Nolan, Mr. Patterson of California, Mr. Stokes, and Mr Weiss), H R. 4592 (Mr. Rosenthal, Mr. Bonior, Mr. Edwards of California, Mr. Maguire, Mr. Mitchell of Maryland, Mr. Patterson of California, Mr. Steers, Mr. Stokes, Mr. Weiss), H.R. 4593 (Mr. Rosenthal, Mr. Bonior, Mr. Maguire, Mr. Mitchell of Maryland, Mr. Nolan, Mr. Patterson of California, Mr. Steers, Mr. Stokes and Mr. Weiss), H.R. 8891 (Mr. Rogers), H.R. 9541 (Mr. Rogers, Mr. Scheuer, Mr. Waxman, Mr. Maguire, Mr. Markey, Mr. Ottinger, Mr. Walgren), H.R. 10041 (Mr. Carter), H.R. 10681 (Mr. Rosenthal and Mr. Moffett), H.R. 10682 (Mr. Rosenthal and Mr. Moffett), H.R. 12485 (Mr. Carter).

Adolescent Health Services and Pregnancy Prevention Care Act of 1978. To establish a program for developing networks of community-based services to prevent initial and repeat pregnancies among adolescents, to provide care to pregnant adolescents, and to help adolescents become productive independent contributors to family and community life. Hearings were held on June 28, 1978, Serial No. 95–113.

H.R. 12146 (Mr. Brademas and Mr. Rogers).

Research Needs in Nephrology and Urology. Hearings held on June 29, 1978, Serial No. 95–136.

Health Maintenance Organization Amendments of 1978. To amend the Public Health Service Act to revise and extend the program of assistance under that Act for health maintenance organizations. Hearings held on June 30, 1978.

H.R. 13266 (Mr. Rogers), H.R. 11461 (Mr. Rogers and Mr. Rostenkowski), H.R. 11388 (Mr. Pepper, Mr. Brown of California, Mrs. Chisholm, Mr. Clay, Mr. Cohen, Mr. Cornell, Mr. de la Garza, Mr. Diggs, Mr. Downey, Mr. Drinan, Mr. Florio, Mr. Fraser, Mr. Hyde, Mr. Le Fante, Mr. Moakley, Mr. Moffett, Mr. Nix, Miss Oakar, Mr. Rodino, Mr. Roybal, Mr. Scheuer, Mr. Winn), H.R. 11702 (Mr. Rogers), H.R. 9788 (Mr. Pepper).

Radiation Health Effects of Medical and Dental Diagnostic X-Rays. Hearings held July 11, 12, 13, 14, 1978, not printed yet.

Food Safety and Nutrition Amendments of 1978. To amend the Federal Food, Drug, and Cosmetic Act to revise and strengthen the authority of the Secretary of Health, Education, and Welfare under that Act with respect to the distribution and labeling of food, and for other purposes. Hearings held July 18, 19, 20, 1978, Serial No. 95–128.

H.R. 10358 (Mr. Rogers, Mr. Carter), H.R. 42 (Mr. Rosenthal), H.R. 327 (Mr. Delaney), H.R. 2180 (Mr. Rosenthal, Mr. Annunzio, Mr. Badillo, Mr. Bingham, Mr. Brodhead, Mr. Corman, Mr. Downey, Mr. Drinan, Mr. Eckhardt, Mr. Fascell, Mr. Ford of Tennessee, Mr. Fraser, Mrs. Heckler, Ms. Holtzman, Mr. Howard, Mr. Hughes, Mr. Koch, Mr. Mitchell of Maryland, Mr. Moakley, Mr. Moffett, Mr. Moorhead of Pennsylvania, Mr. Nolan, Mr. Ottinger, Mr. Pepper, and Mr. Price), H.R. 2181 (Mr. Rosenthal, Mr. Richmond, Mr. Rodino, Mr. Roe, Mr. Roybal, Mr. Scheuer, Mr. Solarz, Mrs. Spellman, Mr. St Germain, Mr. Stark, Mr. Studds, Mr. Waxman, Mr. Charles H. Wilson of California, Mr. Wolff, Mr. Won Pat, and Mr. Zeferetti), H.R. 2237 (Mr Young of Florida), H.R. 3290 (Mr. Santini, Mr. Moakley, Mr. Richmond, Mr. Ketchum, Mr. Roybal, Mr. Howard, Mr. Badillo, Mr. Neal, Mr. Simon, Mr. Bingham, Mr. Duncan of Oregon, Mr. Drinan, Mr. Weiss, Mr. Corman, and Mr. Solarz), H.R. 3556 (Mr. Brodhead), H.R. 3771 (Mr. Oberstar), H.R. 4168 (Mr. Brodhead, Mr. Bonior, Mr. Blanchard, Mr. Kildee, Mr. Conyers, Mr. Ford of Michigan, Mr. Nedzi, and Mr. Diggs), H.R. 4642 (Mr. Rosenthal, Mr. Blanchard, Mr. Boland, Mr. Bonior, Mr. Fary, Mr. Fithian, Mr. Maguire, Mr. Nolan, and Mr. Steers), H.R. 4977 (Mr. Rudd and Mr. Devine), H.R. 4994 (Mr. Whitehurst), H.R. 5050 (Mr. Edwards of Oklahoma), H.R. 5138 (Mr. Krueger), H.R. 5156 (Mr. Jones of Oklahoma), H.R. 5173 (Mr. Brown of Ohio), H.R. 5197 (Mrs. Lloyd of Tennessee), H.R. 5227 (Mr. Whitehurst, Mr. Badham, Mr. Bafalis, Mr. Baucus, Mr. Bedell, Mr. Buchanan, Mr. Cleveland, Mr. Cochran, Mr. Cornwell, Mr. Coughlin, Mr. Dan Daniel, Mr. Emery, Mr. Erlenborn, Mr. Fauntroy, Mr. Findley, Mr. Flowers, Mr. Flynt, Mr. Glickman, Mr. Hannaford, Mr. Hightower, Mr. Hyde, Mr. Kemp, Mr. Kindness, Mr. Kostmayer, and Mr. Lagomarsino), H.R. 5228 (Mr. Whitehurst, Mr. Lott, Mr. Lujan, Mr. Mazzoli, Ms. Mikulski, Mr. John T. Myers, Mr. Nedzi, Mr. Regula, Mr. Runnels, Mr. Sawyer, Mrs. Smith of Nebraska, Mr. Charles Wilson of Texas, and Mr. Charles H. Wilson of California), H.R. 5246 (Mr. Flynt), H.R. 5271 (Mr. Tucker), H.R. 5280 (Mr. Dickinson), H.R. 5348 (Mr. Milford and Mr. Wright), H.R. 5361 (Mr. Satterfield), H.R. 5482 (Mr. Fuqua), H.R. 5508 (Mr. Rudd, Mr. Devine, Mr. Abdnor, Mr. Buchanan, Mr. Collins of Texas, Mr. Drinan, Mr. Edwards of Oklahoma, Mr. Eilberg, Mr. Gephardt, Mr. Goldwater, Mr. Mann, Mr. McDonald, Mr. Sebelius, Ms. Mikulski, Mr. Patterson of California, Mr. Mineta, Mr. Rose, Mrs. Spellman, Mr. Charles Wilson of Texas, Mr. Don H. Clausen, Mr. Del Clawson, and Mr. Marriott), H.R. 5518 (Mr. Whitehurst, Mr. Anderson of Illinois, Mr. Burke of Florida, Mr. Cederberg, Mr. Collins of Texas, Mr. Robert W. Daniel, Jr., Mr. Edgar, Mr. Edwards of Oklahoma, Mr. Evans of Colorado, Mr. Long of Maryland, Mr. McClory, Mr. Murphy of Pennsylvania, Mr. Nix, Mr. Patterson of California, Mr. Pattison of New York, Mr. Robinson, Mr. Skelton, Mr. Snyder, and Mr. Treens), H.R. 5763 (Mr. Brown of Ohio, Mr. Hollenbeck, Mr. Burleson of Texas, Mr. Collins of Texas, Mr. Kindness, Mr. Devine, Mr. Moorhead of California, Mr. Frey, Mr. Eilberg, Mr. Marks, Mr. Leggett, Mr. Jeffords, Mr. Frenzel, and Mr. Pattison of New York), H.R. 5777 (Mr. Hall), H.R. 6039 (Mr. Quillen), H.R. 6452

(Mr. Whitehurst, Mr. Chappell, Mr. Hughes, Mr. LaFalce, and Mrs. Spellman), H.R. 6472 (Mr. Brown of Ohio, Mr. Patterson of California, and Mr. Benjamin), H.R. 6524 (Mr. Biaggi), H.R. 6713 (Mr. Satterfield, Mr. Butler, Mr. Collins of Texas, Mr. Davis, Mr. Early, Mr. Fithian, Mr. Glickman, Mr. Heftel, Mr. Jacobs, Mr. Kindness, Mr. Roberts, Mr. Robinson, Mr. Simon, Mr. Symms, and Mr. Whitley), H.R. 6979 (Mr. Ashley), H.R. 7109 (Mr. Edwards of Oklahoma, Mr. Young of Missouri, Mr. Devine, Mr. Murphy of Pennsylvania, Mr. Kindness, Mr. Horton, Mr. Whitley, Mr. Pursell, Mr. Badham, and Mr. Ertel), H.R. 8970 (Mr. Evans of Georgia), H.R. 9602 (Mr. Sisk), H.R. 9849 (Mr. Walker, Mr. Moakley, Mr. Ottinger, Mr. McHugh, Mr. Eilberg, Mr. Neal, Mr. Lent, Mr. Vento, Mr. Weaver, Mr. Conyers, Mr. Edgar, Mr. Simon, Mr. Harrington, Mr. Pursell, Mr. Dellums, Mr. Scheuer, Mr. Glickman, Mr. Rosenthal. Mr. Carr, Mr. Ryan, Mr. Stark, Ms. Holtzman, and Mr. Charles Wilson of Texas), H.R. 10747 (Mr. Walsh).

In Vitro Fertilization—Oversight. Hearings held on August 4, 1978. Serial No. 95-134.

The President's Commission on Bioethics. To establish the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research. Hearings held on August 4, 1978, not yet printed.

H.R. 13662 (Mr. Rogers, Mr. Preyer, Mr. Scheuer, Mr. Florio, Mr. Maguire, Mr. Markey, Mr. Walgren, Mr. Carter, Mr. Broyhill, Mr. Skubitz)

Development of Primary Health Care Services—Oversight. Hearings held on August 10, 1978, Serial No. 95-133.

SUBCOMMITTEE ON COMMUNICATIONS

Sex and Violence on Television. Hearings held March 2, 1977, Serial No. 95-130.

International Communications Services. Hearings held March 15, 16, 22, 23, 1977, Serial No. 95-56.

Federal Communications Commission Oversight/Reform. Hearings held May 24, 25, 26, 1977.

Federal Communications Commission Reform. Hearings held June 6, 7, 1977.

Rural Telecommunications Oversight. Hearings held June 14, 15, 1977.

Impact of Telecommunications Technology on Right to Privacy Oversight. Hearings held June 21, 22, 1977.

Cable Television Oversight/Pole Attachments. Hearing held July 22, 1977.

Broadcasting Oversight. Hearings held July 25, 26, 27, 28, August 2, 3, 4, 5, 1977.

Public Broadcasting Oversight. Hearings held September 7, 8, 9, 1977.

Safety, Special, and Mobile Radio Communications Oversight. Hearings held September 12, 15, 16, 19, 20, 1977.

Domestic Common Carrier Oversight. Hearings held September 21, 26, 27, 28, 1977.

Cable Television Regulatory Policy Oversight. Hearings held September 29, 30, 1977.

Optical Fibre Technology Oversight. Hearing held October 3, 1977.

International Communications Oversight. Hearings held October 4, 5, 6, 1977.

Minorities and Women's Perspectives on Telecommunications (Ownership Barriers) Oversight. Hearing held October 20, 1977.

Minority Perspectives in the Advertising and Ratings Industry Oversight. Hearing held December 1, 1977.

Sports Antiblackout Oversight. Hearing held April 28, 1978.

Broadcasting Aspects of the 1980 Olympic Games/Investigatory. Hearing held October 3, 1977.

Broadcasting Aspects of Sports Events/Investigatory. Hearings held November 2, 3, 1977.

H.R. 13015 (Van Deerlin, Frey)—to establish certain requirements relating to interstate and foreign telecommunications, and for other purposes. Hearings held July 18, 19, 20, 21, 25, 26, 27, August 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 18, 22, 25, 31, September 8, 11, 12, 13, 14, 15, 21, 22, 23, 26, 27, 28, 1978. Major provisions of the bill are as follows:

TITLE I. GENERAL PROVISIONS

Establishes the jurisdiction of the Communications Regulstory Commission; finds that regulation is necessary "to the extent marketplace forces are deficient."

Extends Federal jurisdiction to regulate any telephone company (except those which are strictly intrastate and do not receive compensation from the Universal Service Compensation Fund established in Title III).

Prohibits Commission regulation of cable television; eliminates all Commission rules and regulations relating to cable television.

Eliminates the "public interest, convenience and necessity" standard.

TITLE II. COMMUNICATIONS REGULATORY COMMISSION

Abolishes FCC, replacing it with the Communications Regulatory Commission, consisting of 5 commissioners; limits commissioners to a single 10-year term; provides for disapproval by either House of President's choice for chairman.

Requires elimination of current bureau structure and for periodic reorganization.

Establishes and Office of Consumer Assistance reporting directly to the Commission.

Increases the staff of commissioners to five; upgrades pay levels for that staff.

Establishes strict conflict of interest and disclosure requirements for commissioners and supervisory employees (GS–16 and above).

Establishes requirements relating to ex parte contacts in adjudicatory and rulemaking proceedings.

Subjects CRC appropriations to the annual authorization process.

TITLE III. COMMON CARRIER TELECOMMUNICATIONS

Requires CRC to designate common carriers and to classify carriers and services, and permits CRC to exempt carriers from requirements of the act.

Eliminates requirement that Commission approve interconnection of facilities; requires carriers to provide interconnection and to notify the Commission regarding facilities construction or acquisition.

Creates a presumption that rates for competitive services are equitable; eliminates Commission's authority to suspend rate; provides protection through accounting orders and refunds; allows Commission to prescribe rates.

Requires Commission to revise depreciation procedures affecting carriers.

Allows any carrier to provide any service which the Commission finds to be telecommunications or related to telecommunications through a separate company (thereby taking AT&T out from under the restraints of the 1956 Consent Decree).

Requires any monopoly carrier to divest itself of equipment manufacturing (three years after date of enactment).

Requires an access charge for any carrier which utilizes local exchange facilities.

Establishes the Universal Service Compensation Fund through which the Commission is mandated to maintain telephone rates at affordable levels and assure the availability of nationwide basic voice telephone service.

Requires COMSAT to establish separate subsidiary for provision of international services.

Repeals Section 222 of the 1934 Act; opens Hawaii to full service as domestic point.

Creates a task force on international telecommunications facility planning (removes Commission from primary role); eliminates prior Commission approval for construction of international facilities.

Affirms COMSAT's role as designated U.S. entity for INTELSAT and designates COMSAT as entity for purposes of INMARSAT.

Repeals the FCC's Authorized User decision.

TITLE IV. BROADCASTING SERVICES AND NONBROADCASTING RADIO SERVICES

Mandates the CRC to assign frequencies and distribute licenses so that each community, regardless of size, receives the maximum full-time television and local radio broadcasting service and nonbroadcasting radio service possible.

Establishes license fee to include scarcity value of spectrum assigned.

Creates the "Telecommunications Fund" with moneys generated by the license fee to be used primarily to cover the administrative costs of the Commission and, secondarily, to support the Public Telecommunications Programming Endowment Account, the Rural Telecommunications Loan Account, and the Minority Ownership Loan Account.

Eliminates comparative hearings; provides that licenses for which there are mulitple applicants be granted on the basis of a system of random selection.

Deregulates radio except for technical standards.

Extends radio licenses to indefinite periods of time subject only to revocation.

Extends television licenses to 5 years, to become indefinite 10 years after the enactment of this Act.

Eliminates "Fairness Doctrine"; provides "Equity Principle" which applies only to television.

Exempts candidates for President, Vice President, Senate and Statewide office from equal time requirements (which apply only to television).

Prohibits Commission from specifying ascertainment procedures.

Requires television licensees to broadcast some news, public affairs, and locally originated programming throughout the broadcast day.

Limits ownership of broadcast stations to 1 per market.

Limits multiple ownership to 5 radio and 5 television stations; provides that only 3 television stations can be located in the top 50 markets (no divestiture required; applies at time of transfer or sale).

Requires Commission to consider EEO record of any applicant for license or renewal; makes licensee violation of EEO laws a basis for revocation; restricts Commission from otherwise enforcing EEO.

Extends nonbroadcast radio licenses to ten years.

Eliminates requirement for separate construction permit and license for nonbroadcast radio applicants.

Authorizes the Commission to exempt nonbroadcast radio licensees from certain provisions of the Act.

TITLE V. ADMINISTRATIVE AND JUDICIAL PROCEDURES; PENALTIES

Requires the Commission to complete rulemakings within 1 year.

Requires the Commission to dispose of petitions for rulemaking within 90 days.

Eliminates the exclusive jurisdiction of the U.S. Court of Appeals for the District of Columbia over Commission decisions involving license renewals.

Gives the Commission exclusive authority over litigation of civil actions under the Act.

Establishes penalties and fines for violations of the Act and of Commission rules and regulations.

TITLE VI. PUBLIC TELECOMMUNICATIONS

Replaces the Corporation for Public Broadcasting with a private nonprofit corporation to be known as the "Public Telecommunications Programming Endowment," the sole purpose of which is to provide grants for the production and acquisition of programming. Provides that 50 percent of the programming funds pass directly to the public broadcasting stations to be used at their discretion for the production and acquisition of programs.

Eliminates the "matching" principle that has served as the basis for the Federal contribution to public broadcasting. Provides that until the license fee mechanism (established in Title IV) is fully phased in, the Endowment will be funded by a combination of appropriations and license fee receipts. Eventually, the Endowment will be funded totally by receipts from the license fees, and will thereby be insulated from the Congressional authorizations/appropriations process.

Clarifies the noncommercial nature of public telecommunications by placing restrictions on the receipt of gifts and donations by the Endowment and the stations. Prohibits the acceptance of donations that are earmarked for the support of specific programs or series. Also, prohibits stations from broadcasting announcements of sponsorship or underwriting associated with specific programs.

Removes restrictions on editorializing and endorsement of political candidates by the public broadcasters.

Authorizes National Telecommunications Agency to provide grants for public telecommunications facilities and operations, including interconnection facilities. Provides that a percentage of these funds will be passed through directly to the public broadcasting stations to be used at their discretion for nonprogramming costs. Also authorizes NTA to provide operational funds to nonbroadcast entities that extend the reach of public telecommunications services.

Requires that recipients of funds from NTA conform to provisions relating to open meetings, community advisory boards, EEO, and uniform accounting.

Prohibits the persons or entities responsible for managing the interconnection systems funded by NTA from producing or acquiring programming, acting as trade associations, or scheduling programs for dissemination to the public at specific times.

Maintains the existing Telecommunications Demonstration Program at the Department of Health, Education, and Welfare, and increases its authorization in order to promote fuller experimentation with the use of nonbroadcast telecommunications for the delivery of public services.

Title VII. National Telecommunications Agency

Establishes the National Telecommunications Agency (NTA), as an independent establishment in the Executive Branch, which replaces the National Telecommunications and Information Administration (NTIA) in the Department of Commerce.

Requires NTA to develop and implement a national telecommunications policy, serve as principal advisor to the President in matters concerning telecommunications issues, settle disputes which may arise in connection with the development and implementation of such a policy.

Gives NTA principal authority for allocating the electromagnetic frequency spectrum. (The Commission retains responsibility for assigning actual frequencies to use of the spectrum.)

Requires NTA to develop a program for the purpose of providing low-interest loans for furnishing and improving telecommunications facilities, services, and systems in rural areas. (Loans will be available to any entity proposing to provide such facilities, services, and systems. This includes: cable television systems, telephone cooperatives, public utility districts, etc.).

Requires NTA to develop a program for the purpose of providing low-interest loans to minority individuals and businesses for the purpose of increasing diversity of ownership of television and radio broadcasting stations.

SUBCOMMITTEE ON TRANSPORTATION AND COMMERCE

H.R. 4049 (Mr. Staggers, Mr. Rooney, Mr. Devine and Mr. Skubitz).

USRA Authorization. To amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the United States Railway Association for fiscal year 1978. Hearing was held on March 15, 1977 (Serial No. 95–3).

H.R. 5646 (Mr. Rooney, Mr. Metcalfe, Ms. Mikulski, Mr. Florio, Mr. Santini, Mr. Murphy of NY, Mr. Skubitz, Mr. Madigan, Mr. Lent, Mr. Russo, and Mr. Carney).

Health and Life Insurance Benefits for Retirees of Bankrupt Railroads. To amend the Regional Rail Reorganization Act of 1973 to require Conrail to make premium payments under certain medical and life insurance policies, to provide that Conrail shall be entitled to a loan under section 211(h) of such Act in an amount required for such premium payments, and to provide that such premium payments shall be deemed to be expenses of administration of the respective railroads in reorganization. Hearing was held on April 5, 1977 (Serial No. 95–5).

H.R. 5798 (Mr. Rooney).

Rail Public Counsel Authorization. To amend the Interstate Commerce Act to authorize appropriations for the Office of Rail Public Counsel for fiscal year 1978. Hearing was held April 6, 1977. Serial No. 95–6.

Extension of Authorizations Under the Noise Pollution Control Act of 1972. On the validity of criticisms of the implementation of the noise program; whether the noise program should be reauthorized and if so, at what level of funding; and legislative remedies that will clarify and ensure the implementation of Congressional intentions. Hearings were held on April 19 and 21, 1977 (Serial No. 95–10).

H.R. 8361 (Mr. Rooney), H.R. 7022 (Mr. Staggers), H.R. 2908 (Mr. Frey), H.R. 6095 (Mr. Sawyer), H.R. 6957 (Mr. Sawyer, Mr. Carney, Mr. Conyers, Mr. Moakley, Mr. Patterson of Ca., and Mr. Winn), H.R. 8017 (Mr. Simon).

Rail Safety. Derailments in the Northeast Corridor. To amend the Federal Railroad Safety Act of 1970 to clarify and strengthen the role of the States in promoting safety on the nation's railroads; requiring railroad locomotives and cabooses to be equipped with bulletproof material; requiring light-reflecting markings on railroad locomotives and cars; requiring the locomotives of all trains to be equipped with strobe lights. Hearings were held on July 18 and 19, 1977 (Serial No. 95–28).

H.R. 2156 (Mr. Roe), H.R. 3672 (Mr. McDade), H.R. 6739 (Mr. Staggers, Mr. Rooney), H.R. 6792 (Mr. Rooney, Mr. Metcalfe, Ms. Mikulski, Mr. Santini, Mr. Florio, Mr. Howard and Mr. Skubitz), H.R. 6871 (Mr. Traxler), H.R. 7370 (Mr. Rooney), H.R. 7486 (Mr. Trible), H.R. 7715 (Mr. Bowen), H.R. 8172 (Mr.

Russo), H.R. 8225 (Mr. Evans of Del., Mr. Bauman, Mr. Tribl
H.R. 8278 (Mr. Whitten), H.R. 8393 (Mr. Staggers, Mr. Roone
H.R. 8420 (Mr. Rooney), H.R. 8474 (Mr. Russo, Mr. Abdn
Mr. Madigan, Mr. Santini, and Mr. Smith of Iowa), H.R. 93
(Mr. Staggers, and Mr. Rooney), H.R. 9965 (Mr. Byron).

Local Rail Service Continuation Assistance. To amend the Railro
Revitalization and Regulatory Reform Act of 197 and the R
gional Rail Reorganization Act of 1973. To provide preempti
option and financial assistance to States to purchase abandon
rail lines for transportation and utility purposes. To amend t
Regional Rail Reorganization Act of 1973 and the Departme
of Transportation Act to extend for fifteen months the period du
ing which the Federal share of the cost of rail service continuati
assistance is 100 percent. To amend the Regional Rail Reorgan
zation Act of 1973 and the Department of Transportation Act
extend for one year the period during which the Federal gover
ment pays 100 percent of the cost of rail service assistance pr
grams involving rehabilitation, maintenance and improveme
of rail properties. To amend the Interstate Commerce Act
provide financial assistance to common carriers by railroad
cover the cost of operation and rehabilitation of certain lines
railroad. To amend the Regional Rail Reorganization Act
1973 to permit States to combine funds for the maintenance an
improvement of rail service continuation programs establishe
under such Act. Hearings were held July 27, 28 and October 1
1977 (Serial 95–74).

H.R. 6222 (Mr. Rooney and Mr. Murphy of NY), H.R. 9068 (M
Rooney).

Federal Regulation of Travel Agents. To amend the Internationa
Travel Act of 1961 to provide for the cooperative regulation
the travel agency industry. To amend the International Trav
Act of 1961 to provide for the registration of sellers of travel
travel services. Hearings were held September 21, 197
(Serial No. 95–75).

H.R. 8882 (Ms. Oaker, Mr. Moakley, Mr. Ashbrook, Mr. Vanik, Mr
Burke of Massachusetts, Mr. Mottl, Mr. Seiberling, Mr. Pease
Mr. Stanton, Mr. Conte, Mr. Applegate, Mr. Wylie and Mr
Cavanaugh), H.R. 9015 (Mr. Latta), H.R. 9023 (Ms. Oaker, Mr
Rodino, Mr. Whalen, Mr. Miller of Ohio, Mr. Nix, Mr. Brow
of Ohio, Mr. Michael O. Myers, Mr. Guyer, Mr. Lederer, Mr
Eilberg, Mr. Edgar, Mr. Kostmayer, Mr. Flood, Mr. Ertel, Mr.
Ammerman, Mr. Walgren, Mr. Hollenbeck, Mr. Markey, Mr.
Lundine, Ms. Heckler, Ms. Mikulski, Mrs. Spellman, Mr. McDafe,
Mr. Mitchell of Md. and Mr. Beard of RI), H.R. 9024 (Ms. Oakar,
Mr. Gilman, Mr. Fish, Mr. LeFante, Mr. Nowak, Mr. St Germain,
Mr. Drinan, Mr. Forsythe, Mr. Stratton, Mr. Harsha, and Mr.
Yatron), H.R. 9215 (Ms. Oakar, Mr. Florio, Mr. Lent, Mr. Early,
Mr. Regula, Mr. Roe, Mr. Walsh, Mr. Mitchell of NY, Mr. Ottinger,
Mr. Horton, Mr. Pattison of NY), H.R. 9302 (Ms. Oaker, Mr.
Boland, Mr. Rosenthal, Mr. Harrington, Mr. Weiss), H.R. 9520
(Ms. Oakar, Mr. Murphy of NY, Mr. LaFalce, Mr. Bonior, and Mr.
Kindness), H.R. 9842 (Ms. Oakar, Mr. Devine, Mr. Wolff and Mr.
Rinaldo).

Location for 1984 Summer Olympics. To express a sense of Congress that all efforts be made to locate the 1984 Summer Olympic games in the United States, and that the Federal Government provide appropriate financial assistance to the American city selected to host the games. Hearing was held on September 15, 1977.

Guarantee of Delinquent Taxes Due From Bankrupt Railroads. To amend the Regional Rail Reorganization Act of 1973 to authorize the Secretary of Transportation to guarantee notes issued to State and local taxing authorities to secure payment of real property tax obligations owned by a railroad in reorganization. Hearings were held September 27, 28 and October 4, 1977 (Serial No. 95–78).

Amtrak's Service Reduction Criteria. On the methodology used by Amtrak in determining which services should be reduced, and the extent to which it was proposed they would be reduced given the fact that appropriations were insufficient for the present route structure. Hearings were held on October 12 and 13, 1977 (Serial No. 95–87).

Bankruptcy of Milwaukee Railroad. On the matter of the Chicago, Milwaukee, St. Paul and Pacific Railroad. Petition for reorganization under Section 77 of the Federal Bankruptcy Act. Hearing was held on January 5, 1978 (Serial No. 95–90).

H.R. 6248 (Mr. Rooney), H.R. 6643 (Mr. Santini), H.R. 10663 (Mr. Rooney).

Transportation by Slurry Pipeline. To amend the Interstate Commerce Act to provide for the regulation of coal pipelines, to provide for the granting to coal pipelines of easements under or across properties of railroads and other common carriers, to establish parity in coal pipeline and railroad ratemaking procedures. Hearings were held on February 7 and 16, 1978 (Serial No. 95–104).

H.R. 10898 (Mr. Rooney).

USRA Authorization. To amend the Regional Rail Reorganization Act of 1973 to authorize appropriations for the United States Railway Association for fiscal year 1979. Hearing was held on February 22, 1978. Serial No. 95–92.

Resource Conservation and Recovery Act. On a report by the Environmental Protection Agency; implementation of the Act emphasizing State and local planning and their activities. Hearings were held on March 7, 8, and 9, 1978. (Serial No. 95–124).

H. Con. Res. 494 (Mr. Staggers, Mr. Rooney, Mr. Devine and Mr. Skubitz).

Southern Crescent. To express a sense of Congress regarding the operation of the Southern Crescent. Hearing was held March 14, 1978. Serial No. 95–120.

H.R. 10556 (Mr. Staggers and Mr. Rooney) H.R. 11118 (Mr. Staggers), H.R. 7022 (Mr. Staggers), H.R. 8365 (Mr. Staggers, Mr. Rooney, Mr. Carney, Mr. Madigan and Mr. Rinaldo), H.R. 9027 (Mr. Staggers), H.R. 8361 (Mr. Rooney), H.R. 2908 (Mr. Frey), H.R. 11491 (Mr. Skubitz), H.R. 8017 (Mr. Simon), H.R. 9886 (Mr. Simon and Mr. Marks), H.R. 9924 (Mr. Weiss, Mr. Addabbo, Mr. Eilberg, Mr. Rosenthal, Mr. Scheuer, Mr. Koch, Mr. Solarz, Mrs. Holtzman, Mr. Markey, Mr. Walgren, Mr. Bedell, Ms.

Mikulski, Mr. Rangel, Mrs. Chisholm, Mr. Badillo, Mr.
and Mr. Bonior).

Railroad Safety Authorization for Fiscal Year 1979. To amen
Federal Railroad Safety Act of 1970 to authorize addit
appropriations. Hearings were held on March 15 and 16,
(Serial No. 95-127).

H.R. 11493 (Mr. Staggers, Mr. Moss, Mr. Dingell, Mr. Rogers
Rooney, Mr. Murphy of New York, Mr. Carney, and Mr. Met
H.R. 11089 (Mr. McFall).

Amtrak Authorization for Fiscal Year 1979. To amend the Rail
senger Service Act to extend the authorization of appropri
for an additional fiscal year, to provide for public conside
and implementation of a rail passenger service study. He
were held on March 20, 21 and April 5, 1978 (Serial No. 95-

H.R. 12162 (Mr. Staggers and Mr. Rooney).

Rail Public Counsel Authorization. To amend the Interstate
merce Act to authorize an appropriation for the Office o
Public Counsel for fiscal year 1979. Hearing was held on A
1978. Serial No. 95-121.

H.R. 11864 and H.R. 11870 (Mr. Rooney).

Authorization of Funds for the United States Travel Service. To
the Act of July 19, 1940, relating to travel in the United
to authorize additional appropriations for the U.S. Travel
ice. Hearing was held on April 4, 1978 (Serial No. 95-123).

H.R. 11871 (Mr. Rooney), H.R. 11872 (Mr. Rooney).

Hazardous Materials Transportation Act Authorization. To amen
Hazardous Materials Transportation Act to authorize appr
tions for fiscal years 1979 and 1980. Hearing was held on Ap
1978 (Serial No. 95-122).

H.R. 11492 (Mr. Staggers and Mr. Rooney).

Conrail Authorization. To amend the Regional Rail Reorgani
Act of 1973 to authorize additional appropriations to the
States Railway Association for the purpose of purchasing
ties of the Consolidated Rail Corporation. Hearings wer
on April 11, 12, and 17, 1978. Not printed.

H.R. 12068 and 12069 (Mr. Rooney).

Noise Control Act Authorization. To extend the authorization
Noise Control Act of 1972 for fiscal year 1979 and to expa
quiet communities program. Hearings were held April 13,
Not printed.

Resource Conservation and Recovery Act. To discuss the specifi
the Environmental Protection Agency and others are tak
implement the Resource Conservation and Recovery Act
(Public Law 94-580); such as the progress being made in t
transport and disposal of hazardous waste, the techniques
able to recover resources, among them energy, and solid
disposal. Hearings held on April 26, May 18, and 19, 1977
No. 95-38).

H.R. 11979 (Mr. Staggers and Mr. Rooney).

Local Rail Service Assistance. To amend section 5 of the Depa
of Transportation Act relating to local rail service assi
Hearings were held on July 12, and 17, 1978. Not printed.

Freight Car Shortages and Utilization. Survey the problem of
car shortages and utilization. Hearings were held on J
and 26, 1978. Not printed.

Arthur D. Little, Inc., Study of National Tourism Policy. To review the Arthur D. Little, Inc., National Tourism Policy Final Study, defining an appropriate role for the government in tourism and identifying the means by which the Federal government can most effectively respond to tourism. Hearing was held on August 1, 1978. Not printed.

Mandatory Deposits on Beverage Containers. On the issue of mandatory deposits on beverage containers. Hearing was held on August 10, 1978. Not printed.

British Railways. Presentation by Sir Peter Parker, Chairman of the British Railways Board, and other representatives of British Railways, on the subject of the British railroad experience as it applies to the current issues facing the American railroad system. Hearing held on September 27, 1978. Not printed.

Financial Condition of the Delaware and Hudson Railway. To determine if there was a necessity to change conditions for granting loans to railroads under Section 211 of the Regional Rail Reorganization Act of 1973. Hearing held on August 15, 1978. Not printed.

H.R. 14089 (Mr. Rooney, Mr. Perkins, Mr. Chappell, Mr. Murphy of New York, Mr. Lent, Mr. Carter, and Mr. Kemp).

Interstate Horseracing Act. To regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry. Hearings were held on September 19, 1978. Not printed.

Administrative Activities of the U.S. Railroad Retirement Board. To review the physical and administrative needs that the Railroad Retirement Board had been forced to deal with due to changes in the law. Hearing held on September 26, 1978. Not printed.

SUBCOMMITTEE ON CONSUMER PROTECTION AND FINANCE

Auto Repair—Oversight of the National Highway Traffic Safety Administration. Hearings held September 14, 20, 21, 25, October 19, and December 4, 1978.

Oversight of Pending FTC Trade Regulation Rule and Studies with Respect to Unfair and Anticompetitive Practices in the Eyeglass Industry. Hearings November 28, 1977 and January 9, 1978.

Oversight of the Consumer Product Safety Commission. Review the Commission's performance since its inception. Hearings on September 26, 29, 30 and October 3, 1977.

Oversight of the Securities and Exchange Commission. The Securities and Exchange Commission's implementation of the Securities Acts Amendments of 1975. Hearings were held on June 21, 22, 23, July 26, 27, and 28, 1977.

Oversight Hearing on the Federal Trade Commission. Exploration of the rulemaking process under the Magnuson-Moss Warranties—FTC Improvement Act of 1975, Title II. Hearing on June 8, 1977.

Oversight Hearings on the National Highway Traffic Safety Administration. Past and future implementation of the Motor Vehicle Information and Cost Savings Act of 1972. Hearings were held on May 6 and 9, 1977.

Passive Restraints. On June 30, 1977, the Secretary of Transportation issued an amended Federal Motor Vehicle Safety Standard 208, to require that passive occupant restraints be installed in automobile. Passive restraints are those which protect occupants without their having to take any action to make them work. The rule takes effect with respect to large cars in model year 1982, intermediates and compacts in model year 1983, and small cars in model year 1984. The standard was subject to congressional review under a 1974 amendment to the National Traffic and Motor Vehicle Safety Act of 1966. The Subcommittee held 2 days of hearings on the rule, prepared an extensive report, and recommended to the Full Committee that it support the rule. On October 12, 1977, the Full Committee voted to table a resolution (H. Con. Res. 273) which would have disapproved the rule.

To amend the Securities Act of 1933 and the Investment Company Act of 1940 to encourage investment in small business concerns. Hearings held September 27 and 28, 1978.

H.R. 10717 (Broyhill, Rinaldo, Krueger and Luken), H.R. 13032 (Broyhill, Devine, Ketchum, Duncan of Tennessee, Dornan, Badham, Stockman, Madigan, Preyer, Neal, Watkins, Kemp, Lent, Hollenbeck and Scheuer) H.R. 13765 (Broyhill and Ottinger).

Consumer Controversies. To regulate commerce by establishing national goals for the effective, fair, inexpensive, and expeditious resolution of controversies involving consumers. Hearings held July 20 and 21, 1978.

H.R. 2482 (Murphy of New York), H.R. 2965 (Broyhill), S. 957.

Generic Drugs. To permit pharmacists, in certain circumstances, to use substitute drugs in the filling or refilling of prescriptions made by physicians. Hearings held June 22 and July 28, 1978.

H.R. 1963 (Murphy of New York).

Toxic Substances Control Act—Legislative and Oversight Hearings. To amend the Toxic Substances Control Act to establish a program of assistance to the States for protection and indemnification of individuals injured in their business or person by chemical substances, to establish a chemical emergency respond team; to establish a Compensation System for Victims of toxic substance pollution; and to amend the Toxic Substances Control Act to increase the authorization of appropriations contained in such Act. Hearings held on March 7, April 26 and July 25, 1978.

S. 1531, H.R. 9616 (Brodhead), H.R. 12441 (Eckhardt).

To amend the Magnuson-Moss Warranty-Federal Trade Commissio Improvement Act to extend the filing date of a study of rulemaking procedures under section 18 of the Federal Trade Commission Act. Hearings held June 15, 1978.

H.R. 12563 (Eckhardt).

Hearings on the enforcement of a cellulose insulation safety standard. Hearings held by the Consumer Protection and Finance and Oversight and Investigations Subcommittees on April 19, 1978.

S. 2401, H.R. 10637 (Moffett)

To amend the Consumer Product Safety Act to establish an interim consumer product safety rule relating to the standards for flame resistance and corrosiveness of certain insulation, and for othe purposes. Hearings held February 28, 1978.

H.R. 10637 (Moffett), S. 2401.

To amend the Consumer Product Safety Act to extend the authorizatio of appropriations contained in such Act, and for other purposes. Hearings held February 24, 1978.

H.R. 10819 (Eckhardt).

To amend the Securities Exchange Act of 1934 to authorize appropriations for the Securities and Exchange Commission for Fiscal Years 1979–81, and for other purposes. Hearings held March 1 and 2, 1978.

H.R. 11119 (Staggers, Devine), H.R. 11140 (Eckhardt, Broyhill).

To amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for Fiscal Years 1979 and 1980. Hearings held on February 15, 27, and March 3, 1978.

H.R. 11286 (Staggers and Devine).

Franchising Termination Practices Reform Act. To correct inequities in certain franchise practices, to provide franchisors and franchisees with evenhanded protection from unfair practices, to provide consumers with the benefits which accrue from a competitive and open market economy, and for other purposes. Hearings held September 16 and 23, 1977 (Wash., D.C.).

H.R. 5016 (Mikva, Badillo, Corman, Cornell, Edgar, Fauntroy, Hamilton, Jacobs, Lehman, McHugh, Meeds, Miller of Ca., Mitchell of Md., Moakley, Pepper, Simon), H.R. 9144 (Krueger, Scheuer, Broyhill).

House Concurrent Resolutions disapproving a ruling by the Secretary of Transportation mandating that passive restraints be installed in automobiles beginning with the 1982 model year transmitted to Congress on June 30, 1977. Hearings held September 9 and 12, 1977.

H. Con. Res. 273 (Shuster), H. Con. Res. 296 (Shuster, Broomfield, Whitehurst, Murphy of Pa., Lujan, Hall, Kindness, Charles Wilson of Ca., Nix, McClory, Thone, Robert Daniel, Jr., Badham, Waggonner, Whitley, Sebelius, Teague, Runnels, D'Amours, Applegate, Miller of Ohio, Bob Wilson, Cochran of Miss., Stump, Symms), H. Con. Res. 297 (Shuster, Alexander, Hagedorn, Lagomarsino, Kemp, Devine, Duncan of Tenn., Guyer, Traxler, Ichord, Walsh, Walker, Snyder, Burgener, Martin, Dan Daniel, Corcoran of Ill., Abdnor, Ashbrook, Bafalis, Brown of Mich., Del Clawson, Edwards of Okla., Findley, Hansen), H. Con. Res. 298 (Shuster, Hyde, Ketchum, Lott, Marriott, Mitchell of N.Y., John T. Myers, Quayle, Quillen, Railsback, Rhodes, Rousselot, Taylor, Andrews of N.D., Armstrong, Collins of Texas, Holt, Leach, Marlenee, Schulze, Smith of Neb., Stanton, Stockman, Treen, Milford), H. Con. Res. 299 (Shuster, Burleson of Texas, Davis, Satterfield, Conable, Robinson, McEwen, Michel, Rudd, Derwinski, Emery, Buchanan, Grassley, Coughlin, Cederberg, Crane, Dornan, Dickinson, Hammerschmidt, Quie, McDonald, Bauman, Kasten, Gary A. Myers, Mr. Latta), H. Con. Res. 300 (Shuster, Kelly, Chappell, Archer, Goldwater, Steed, Mathis, Sikes, Nichols, Moorhead of Ca., Stangeland, English, Montgomery, Jones of N.C., Fountain, Jenrette, Hightower, Bedell, Jacobs, Vander Jagt, Brown of Ohio, Frenzel, Fish, Beard of Tenn., Spence), H. Con. Res. 301 (Shuster, Evans of Del., Wampler, Ruppe, Rinaldo, Byron, Young of Alaska, Horton, Pettis, Jones of Tenn., Young of Missouri, Hubbard, Mann, Lent, Sawyer, Brinkley, Gilman, Moore, Anderson of Ill., Wiggins, Skubitz, Evans of Ga., Barnard, Jones of Okla., Watkins), H. Con. Res. 302 (Shuster, Derrick, Andrews of N.C., Roncalio, Goodling, Risenhoover, Ginn, Cleveland, Holland, Harsha), and H. Con. Res. 329 (Shuster, Patterson of Ca., Gudger, Nedzi, Carr, Dingell, Sarasin, Brodhead).

Securities Investor Protection Act Amendments of 1977. To amend the Securities Investor Protection Act of 1970. Hearings held August 1, 2, 3, 1977 (Wash., D.C.)

H.R. 8331 (Eckhardt).

Fire Prevention Study Act of 1977. To amend the Flammable Fabrics Act to require the Secretary of Commerce to study the necessity and feasibility of establishing Federal standards relating to fire prevention and control. Hearings held July 29, 1977 (Wash., D.C.), September 19, 1977 (Cincinnati)

H.R. 7684 (Luken).

Standards for No-Fault Motor Vehicle Accident Benefits Act. To provide basic standards for State no-fault benefit plans for the rehabilitation and compensation of motor vehicle accident victims, and for other purposes. Hearings held March 18, 1977 (Boston), April 5 & 6, 1977 (Fort Lauderdale), April 23, 1977 (New York), June 13, 14, 15, 18, 21, 22, 1977 (Wash., D.C.).

H.R. 6601 (Moss, Van Deerlin, Murphy of New York, Metcalfe of Ill., Scheuer, Badillo, Beilenson, Dellums, Dicks, Harrington, Mikva, Roybal, Vento), H.R. 7476 (Moss, Fenwick, Hawkins, Mitchell of Md., Nix, Nolan, Stark), H.R. 1597 (Murphy of N.Y.), H.R. 2300 (Carney), H.R. 2508 (Roybal), H.R. 5149 (Rinaldo).

Federal Trade Commission Amendments of 1977. To amend the Federal Trade Commission Act to expedite the enforcement of Federal Trade Commission cease and desist orders and compulsory process orders; to increase the independence of the Federal Trade Commission in legislative, budgetary, and personnel matters; and for other purposes. Hearings held March 8, 9, 15, 16, April 26, 1977 (Wash., D.C.).

H.R. 3816 (Eckhardt), H.R. 2483 (Murphy of New York), H.R. 1767 (Eckhardt).

Securities and Exchange Commission Authorization. To amend the Securities Exchange Act of 1934 to increase the amount authorized to be appropriated for the Securities and Exchange Commission for fiscal 1977. Hearing held March 10, 1977.

H.R. 3721 (Staggers, Devine).

Unlawful Corporate Payments Act of 1977. To amend the Securities Exchange Act of 1934 to make it unlawful for an issuer of securities registered pursuant to section 12 of such Act or an issuer required to file reports pursuant to section 15(d) of such Act to make certain payments to foreign officials and other foreign persons, and for other purposes. Hearings held April 20, 21, 1977.

H.R. 3815 (Eckhardt), H.R. 1602 (Murphy of New York, Solarz).

Securities and Exchange Commission Authorization. To amend the Securities Exchange Act of 1934 to authorize specific amounts to be appropriated for the Securities and Exchange Commission for fiscal years 1978–80. Hearing held March 10, 1977.

H.R. 3722 (Staggers, Devine).

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Union Calendar No. 966

95TH CONGRESS 2d *Session* } HOUSE OF REPRESENTATIVES { REPORT No. 95–1832

ANNUAL REPORT FOR THE YEAR 1978

OF THE

SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

NINETY-FIFTH CONGRESS

SECOND SESSION

SCNAC–95–2–15

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FOREWORD

On July 29, 1976 the House of Representatives voted overwhelmingly to create the Select Committee on Narcotics Abuse and Control. For the first time there was an entity within the Congress which had jurisdiction to oversee all facets of the Federal narcotics effort and coordinate the response of the seven legislative committees in the House which have jurisdiction over some aspect of the narcotics problem. The Congress had foreseen the need for the existence of a complimentary office within the executive branch which could oversee the entire billion dollar a year Federal narcotics effort and mandated in Public Law 94–257 (Amendments to Drug Abuse Office and Treatment Act of 1972) that the President staff the newly authorized Office of Drug Abuse Policy (ODAP). President Ford ignored this congressional recommendation and instead left the organizing and coordinating role under the OMB Office of the Federal Drug Management.

The Select Committee was very enthusiastic when President Carter made the decision shortly after his inauguration to appoint Dr. Peter Bourne to head the Office of Drug Abuse Policy. For the first time, the executive branch had a forum to provide overall policy guidance and resolve interagency disputes on questions of narcotics policy. The President was very supportive of the work of ODAP and maintained a high profile on the drug abuse issue; including the delivery of a special Message on Drug Abuse on August 2, 1977. Thus, when the President recommended as part of reorganization plan No. 1 that ODAP be terminated and the drug abuse issue placed in the jurisdiction of the Domestic Policy Staff, the Committee strongly disagreed and actively tried to reverse the recommendation.

Dr. Peter Bourne, who was the President's Special Assistant for Health Matters, had worked closely with the Committee and had originated excellent and coordinated policy initiatives in drug abuse. ODAP was formally abolished on March 31, 1978 and 6 months later Dr. Bourne resigned from the White House staff for personal reasons. The Committee commends the outstanding cooperation it received from Dr. Bourne and the Office of Drug Abuse Policy during their respective tenures in the Executive Office of the President. However, the present situation in which drug abuse policy is under the jurisdiction of the Domestic Policy Staff is ineffective and has led to lowering of morale and more fragmentation among agencies. The fact that Mr. Lee Dogoloff, Dr. Bourne's deputy at ODAP, has been doing the best job possible under the circumstances, does not overcome the fragmentation between competing law enforcement and health agencies and the absence of control by the Domestic Policy Staff or its staff over international drug policies. The current lack of guidance and coordination underscores the value of ODAP and the leadership previously exerted by Dr. Bourne. Additionally, the special relationship which existed between Dr. Bourne and the President that is no longer present has in practical terms downgraded drug abuse priorities in the White

House. Accordingly, in the present policy vacuum, the Committee's role as the only visible high-level body dealing with the crucial questions of national policy and the evolving Federal drug abuse strategy is even more important.

The Committee is keenly aware that the projected dollar cuts in the Drug Enforcement Administration and U.S. Customs Service budgets cannot accomplish any result but to further injure the Federal effort in vital law enforcement activities which must be maintained. Serious deficiencies in manpower and equipment must be corrected and these vital law enforcement agencies must be free from further budget reductions. Thus, rather than permitting traffickers to shift their priorities as scarce manpower and resources are reallocated from one theater of action to another by the Drug Enforcement Administration and Customs, the Congress must commit itself to providing sufficient funds not only to these agencies, but to others that have an enforcement role as well. Additionally, Congress must pass laws recommended by the Committee to enable resources of one agency to be made available to drug enforcement programs that are deficient in necessary material and equipment.

The Committee wishes to compliment the Drug Enforcement Administration, the U.S. Customs Service, the U.S. Coast Guard, and all other Federal enforcement agencies who are doing a monumental job with very limited resources. It is unrealistic for the United States to forge an effective supply reduction program with the expenditure of less than one-quarter of the value of the gross imports of heroin from abroad, not to even mention the value of other substances like marihuana, cocaine and pills.

The State Department must implement an aggressive international campaign to complement our domestic law enforcement efforts. To this point the State Department has not implemented an aggressive or high profile program either at headquarters or in the field. Unfortunately, this Committee must again invite the attention of the Congress and the public to the problems of State Department cooperation in international controls and its lack of candor in dealing with the committees of Congress.

The Committee is hopeful that with the elevation of narcotics to Bureau status within the Department that more attention will be given to the issue. The State Department is responsible for the gross inadequacies discovered in our overseas missions with respect to narcotics coordination. In our embassies and consulates overseas, under the supervision of the Ambassador or Chief of Mission, we have found on numerous occasions that drug trafficking takes on a relatively low priority. Furthermore, information about trafficking and its routes is not readily shared by different agency representatives and very little intelligence is being shared by Mission Narcotics Coordinators with action agencies such as DEA and vice versa. In some countries, the Committee found that the narcotics coordinators are junior officials and their committee rarely meets. In addition the State Department has not been forceful in correcting shortcomings in the United Nations Fund for Drug Abuse Control (UNFDAC) program which includes the failure of UNFDAC to gain incountry support and funding for its pilot crop substitution efforts. The Department has also failed to follow through on the U.N. Resolution passed in December, 1977 which called for international cooperation on treatment and prevention issues. In general, the Department has inhibited any innovative responses to the international narcotics problem and failed to provide for adequate oversight of U.S. funded programs overseas in priority countries like Burma and Mexico.

In 1976, when this Committee was first organized, the total drug abuse effort in the United States was severely fragmented and lagging far behind what it is now. No single agency of the United States was solely responsible for this fragmentation. It is the Committee's sincere belief that it has had a vital role to play in the achievement of better cooperation between the executive agencies. Whether in the area of demand or supply reduction, the lack of coordination which existed merely provided agencies with an opportunity to shift the blame for failures from one to the other. Unfortunately some basic informational gaps still exist which prevents long term advances in our effort to combat drug abuse.

We are still suffering from the paucity of reliable information about the extent of drug use, the number of addicts and users, and the amount of drugs being smuggled into the United States. The total absence of reliable statistics and abuse patterns, incidents, and prevalence of drug abuse, the lack of available information on the supply of drugs in either host or victim nations makes intelligent assessment of the problems extremely difficult. Congress cannot legislate effectively or provide resources that would better combat the problem without reliable data on these topics. This Committee, in its Congressional Resource Guide, performed a monumental public service in recording the numerous efforts and the millions of dollars expended from 1969–76 to try to come to grips with drug abuse in America. For the first time, Congress has had, in the Congressional Resource Guide, a comprehensive foundation from which to analyze the measurement techniques which were used in the past to provide partial or misleading answers and to provide ourselves with seminal facts from which reasonable conclusions may be drawn.

In the early 1970's, a national euphoria resulted from the mistaken notion that our drug abuse problem was under control. We now know that this was not the case, and it is not the case today. For this reason, among others, the Committee adopted a high profile and sought to educate the public and the rest of Government in order to motivate private and public institutions to levels of action that before did not exist. The Committee set in motion some forces which have produced measurable results in the fight against drug abuse. However, much more still remains to be done. We must still get the answers to serious questions. Why does the drug problem persist in our Nation, and, to a much lesser extent, in nations where drugs originate? We must find the answer to the question why the United States is the most pervasive drug abusing nation in history. We must continue to search for the effects of the interaction of chemical drugs that we produce and our apparent failure to educate the public to the dangers of polydrug abuse, particularly as to the use of alcohol and other drugs.

The public is much more aware now of the intensity of our problem and is putting appropriate pressure on local governments and the Federal Government to take meaningful action. The Committee is largely responsible for this growing awareness.

The internal workings of the executive agencies have been examined, particularly recent charges that there have been improprieties and cronyism in the award of treatment and prevention contracts. The Committee is satisfied that these alleged improprieties will not be repeated and that there will be close cooperation between the demand reduction and supply reduction agencies and this Committee in the future.

Finally, it should be noted that unless intensive congressional oversight continues, our attack on the drug abuse problem will be severely blunted. This Committee has learned, in its hearings and by careful analysis, that there is no overall solution, that the attack on the problem must necessarily be crisis-oriented, and that progress can only be made in stages. And even if there were in existence a policy mechanism in the White House, such as ODAP, Congress must continue to press, as this Committee has done, for better answers, for vigilance and for an end to any waste or fragmentation that interferes with the kind of piecemeal solutions this subject matter offers.

Enclosed are two letters of commentary relating to the Committee:

(1) Letter from the President to the Chairman, dated October 28.

(2) Letter from Peter Bensinger, DEA, commending the Committee for its work in the 95th Congress.

LETTER FROM PRESIDENT CARTER TO CHAIRMAN WOLFF

THE WHITE HOUSE,
Washington, October 28, 1978.

Hon. LESTER L. WOLFF,
Chairman, Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, Washington, D.C.

TO CHAIRMAN LESTER WOLFF: With the close of the 95th Congress, I would like to express my personal thanks to you and the other members of the Select Committee on Narcotics Abuse and Control for the valuable contributions you have made to our efforts to deal with the drug problem in the United States.

As you know, we have had some significant successes over the past 2 years:

The heroin purity rate is at its lowest level, 4.9 percent, down from 6.6 percent in 1976.

Heroin overdose deaths are down 27 percent from 1977 and 73 percent from 1976. In 1977, 1,000 fewer people died from heroin overdoses than in 1976.

Our cooperation with the Mexican Government has brought about a 20-percent decline in the amount of Mexican heroin available in the United States.

Statistics indicate a steady decline in barbiturate and other sedative/hypnotic overdose deaths.

International cooperation has permitted us to work with other governments in seizing huge quantities of marihuana on the high seas.

With our encouragement, the United Nations Fund for Drug Abuse Control has been able to convince other governments to make substantial contributions, thereby reducing our total support to under 50 percent. I know you and other members met with Dr. Bror Rexed, Executive Director of the Fund, when he was in Washington recently. Upon his departure, I issued the attached statement supporting the Fund's efforts. I hope we will be able to work together to ensure an appropriate level of United States' participation in the future.

The work and encouragement of the Select Committee, under your dynamic leadership, was instrumental in helping record these successes. However, we are both well aware that the problem of drug abuse will not disappear and that energetic measures must be continued. I can assure you of this Administration's strong commitment to working with you and your colleagues in our joint effort to reduce drug abuse in our country.

Again, thank you for your assistance.

Sincerely,

JIMMY CARTER.

STATEMENT BY PRESIDENT CARTER

THE WHITE HOUSE,
Washington, September 22, 1978.

For over 70 years, the United States of America has supported international measures to control drug abuse. Today, it is more important than ever to continue this support.

This Administration recognizes that drug problems cannot be solved unilaterally, but require concerted action by the world community. Drug abuse is exacting an ever greater toll on the citizens of developed and developing countries. It affects our economies, our societies and—most of all—our culture.

The United Nations Fund for Drug Abuse Control has played a central role in this international effort. Despite limited funds it has been remarkably effective in finding cooperative ways for nations to work together on this international problem. Today I am pleased to announce that the United States will contribute $3 million to the Fund in 1978. With the contribution, I want to extend my best wishes to Dr. Bror Rexed, the new Executive Director of the Fund.

The United States remains deeply committed to the cause of international drug control. We will continue to support the efforts of the Fund, the United Nations and other governments.

JIMMY CARTER.

LETTER FROM DEA ADMINISTRATOR BENSINGER TO CHAIRMAN WOLFF

OCTOBER 24, 1978.

Hon. LESTER L. WOLFF,
Chairman, Select Committee on Narcotics Abuse and Control, U.S. House of Representatives, Washington, D.C.

DEAR CHAIRMAN WOLFF: Now that the 95th Congress has concluded its work I wish to express my personal thanks to you for your sincere efforts in our behalf. In terms of legislation affecting drug law enforcement, this past session has probably been the single most productive. Much of the legislation achieved had been actively sought during the past three sessions of the Congress.

With the enactment of the Psychotropic Substances Act of 1978 much needed legislation to control the growing problem of PCP and critical legislation needed to seize the monetary profits of drug traffickers was achieved. This will be of great assistance to our efforts in drug law enforcement work.

Although these are but a few of the legislative initiatives enacted, I cannot help feel that your efforts played a major role in getting these most important matters through the House. In addition, I want to thank you for your personal guidance and assistance to me as Administrator of DEA.

I speak for all Drug Enforcement Administration employees in thanking you for all your sincere assistance. I look forward to working as closely with you in the 96th Congress as we have in the past.

Sincerely,

Peter B. Bensinger,
Administrator.

LETTER OF SUBMITTAL

U.S. HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL,
Washington, D.C., October 1, 1978.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk of the House of Representatives,
Washington, D.C.

DEAR MR. HENSHAW: We are pleased to submit the enclosed report entitled "Annual Report for the Year 1978 of the Select Committee on Narcotics Abuse and Control, 95th Congress, Second Session."

This report is in accordance with House Resolution 77, section 6(b) requiring an annual report to the House which includes a summary of the activities of the Select Committee during the calendar year to which the report applies.

Accordingly, we submit the enclosed as incorporating our report in compliance with the above resolution.

Respectfully submitted.

LESTER L. WOLFF, *Chairman.*

LETTER OF SUBMITTAL

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Union Calendar No. 966

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 95-1832

ANNUAL REPORT FOR THE YEAR 1978 OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. WOLFF, from the Select Committee on Narcotics Abuse and Control, submitted the following

REPORT

I. STATEMENT OF JURISDICTION, AUTHORITY AND POWERS

The Select Committee on Narcotics Abuse and Control is a unique congressional committee. It is the only committee established by the House of Representatives with jurisdiction devoted exclusively to narcotics abuse and control. Prior to creation of the Select Committee the subject of narcotics abuse and control was covered by standing committees with jurisdiction over a broad variety of fields including criminal justice administration, international relations, health, government reorganization, and the military.

The Select Committee does not possess legislative jurisdiction. It is not empowered to report out bills and can only act in a supportive capacity to the seven standing committees of the House which bear the responsibility and have jurisdiction to advance legislation to alleviate the problems of narcotics abuse and control. The dominant instruction to the committee from the House is "to conduct a continuing comprehensive study and review of the problems of narcotics abuse and control." The Select Committee is, therefore, primarily a factfinding committee of the House in the field of narcotics abuse and control.

A. CREATION OF COMMITTEE—HOUSE RESOLUTION 77

Following is the text of H. Res. 77 which unanimously passed the House of Representatives on January 11, 1977:

[H. Res. 77, 95th Cong., 1st sess.]

Resolved, That (a)(1) there hereby is established in the House of Representatives a select committee to be known as as the Select Committee on Narcotics Abuse and Control (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of eighteen Members of the House.

(2) Members of the select committee shall be appointed by the Speaker of the House. One member of the select committee shall be designated by the Speaker to serve as chairman of the select committee.

(3) At least one member of the select committee shall be chosen from each of the following committees of the House: The Committee on Armed Services, the Committee on Government Operations, the Committee on International Relations, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means.

(4) Any vacancy occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) The chairman of the select committee may establish such subcommittees of the select committee as he considers appropriate. Any such subcommittee shall be composed of not less than four members of the select committee.

SEC. 2. The select committee shall not have legislative jurisdiction. The select committee shall have authority—

(1) to conduct a continuing comprehensive study and review of the problems of narcotics abuse and control, including, but not limited to, international trafficking, enforcement, prevention, narcotics-related violations of the Internal Revenue Code of 1954, international treaties, organized crime, drug abuse in the Armed Forces of the United States, treatment and rehabilitation, and the approach of the criminal justice system with respect to narcotics law violations and crimes related to drug abuse; and

(2) to review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics abuse or control.

SEC. 3. (a) For purposes of this resolution, the select committee, or any subcommittee thereof authorized by the select committee, may sit and act at such times and places as it considers appropriate whether the House is sitting, has recessed, or has adjourned.

(b) For purposes of this resolution, the select committee, or any subcommittee thereof authorized by the select committee to hold hearings, may hold such hearings, and may require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it considers necessary. Subpenas may be issued under the signature of the chairman of the select committee or any member of the select committee designated by him, and may be served by any person designated by such chairman or member.

(c) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that the select committee may designate a lesser number as a quorum for the purpose of taking testimony. The chairman of the select committee, or any member of the select committee designated by him, may administer oaths or affirmations to any witness.

(d) The select committee and any subcommittee thereof and its staff may conduct field investigations or inspections. Members and staff of the select committee may engage in such travel as may be necessary to conduct investigations relating to the purpose of this resolution.

SEC. 4. The select committee may employ and fix the compensation of such clerks, experts, consultants, technicians, attorneys, investigators, and clerical and stenographic assistants as it considers necessary to carry out the purposes of this resolution. The select committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the select committee, other than expenses in connection with meetings of the select committee or any subcommittee thereof held in the District of Columbia.

SEC. 5. The provisions of clause 2(g)(1) of rule XI of the rules of the House shall apply to the select committee.

SEC. 6. (a) The select committee shall report to the House with respect to the results of any investigation conducted by the select committee, or any subcommittee thereof, under section 3(d).

(b) The select committee shall submit an annual report to the House which shall include a summary of the activities of the select committee during the calendar year to which such report applies.

(c) Any report of the select committee under this section which is submitted during a period in which the House is not in session shall be filed with the Clerk of the House.

B. FUNDING—H. RES. 1004

Funding of the committee's activities during 1978 was accomplished pursuant to the following resolution, unanimously passed by the House amended on February 15, 1978:

[H. Res. 1004, 95th Cong., 2nd Sess.]

RESOLUTION

Resolved, ~~That for the further expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control, acting as a whole or by subcommittee, not to exceed $793,500.00, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House~~

~~on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.~~

~~SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Narcotics Abuse and Control shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.~~

~~SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.~~

~~SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.~~

That for the further expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control, acting as a whole or by subcommittee, not to exceed $722,204 including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Select Committee on Narcotics Abuse and Control shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1979.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

C. COMMITTEE RULES

The operation of the committee was guided by the following rules:

RULES OF THE SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

RULE 1. RULES OF THE HOUSE

The Rules of the House of Representatives, insofar as they are applicable, shall be the rules of the Committee. The following rules, insofar as they are consistent with the Rules of the House, shall apply to the Committee.

RULE 2. MEETINGS

(a) The regular meeting day of the Committee for the conduct of its business shall be on Thursday of each week while the Congress is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays, and legal public holidays) before each scheduled Committee meeting, each member of the Committee shall be furnished a list of the subjects to be considered or acted upon at the meeting.

RULE 3. HEARINGS

(a) Members of the Committee shall be advised and a public announcement shall be made of the time, date, place, and subject matter of any hearing to be conducted by the Committee at least one week before the commencement of such hearing, unless the Chairman determines that there is good cause to begin such hearing at an earlier date, in which event he shall make public announcement at the earliest possible date.

(b) Unless authorized by the Chairman, a witness shall not be permitted to testify or present evidence at a hearing of the Committee, and such testimony or evidence may not be included in the Committee hearing record, unless 50 copies thereof have been delivered to the Committee at least 24 hours before such hearing.

(c) A Committee member may question a witness only when recognized by the Chairman for such purpose. In accordance with clause 2(j)(2) of Rule XI of the Rules of the House, each Committee member shall be allowed 5 minutes to question a witness until each member who so desires has had such opportunity. The Chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the Chairman.

RULE 3A. WITNESSES APPEARING BEFORE COMMITTEE STAFF

(a) The Chairman may authorize not less than two members of the professional staff of the Committee (one of which shall be the Chief Counsel or the Chief of Staff) to take the oral presentation or deposition of any person or persons who voluntarily agree to make such a presentation or deposition. For the purposes of this rule, a deposition means a detailed record pertaining to a subject which is within the jurisdiction of the Committee.

(b) The Chairman may authorize the payment of travel and/or per diem expenses to any person or persons from whom such a deposition or oral presentation is taken pursuant to this rule.

RULE 4. COMMITTEE PROCEDURE

(a) A majority of the members of the Committee shall constitute a quorum for the transaction of Committee business, except that 2 members shall constitute a quorum for purposes of taking testimony and receiving evidence.

(b) Meetings for the transaction of business and hearings of the Committee shall be open to the public or closed, in accordance with clause 2(g) of Rule XI of the Rules of the House.

(c) A vote by any member of the Committee with respect to any matter being considered by the Committee may be cast by proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the member of the Committee who is to execute the proxy authorization, and is limited to a specific matter, except that a member may authorize a general proxy for motions to recess or adjourn, or for other procedural matters. Each proxy to be effective shall be signed by the member assigning his vote and shall contain the date and time that proxy is signed. Proxies may not be counted for a quorum.

(d) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon the demand of any member, and a copy made available to each member present.

(e) If the Chairman of the Committee is not present at any meeting or hearing of the Committee, the ranking member of the majority party on the Committee who is present shall preside at such meeting or hearing.

RULE 5. BROADCASTING

(a) Whenever any hearing or meeting conducted by the Committee is open to the public, the Committee may permit such hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, under the rules established by clause (b).

(b)(1) If television or radio coverage of any hearing or meeting of the Committee is to be presented to the public as live coverage, such coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpena by the Committee shall be required against his will to be photographed at any hearing or meeting

or to give evidence or testimony while the broadcasting of such hearing or meeting, by radio or television, or still photography coverage, is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Not more than 4 television cameras, operating from fixed positions, shall be permitted in a hearing room. The allocation among the television networks or stations of the positions of the number of television cameras shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of such witness and such member to each other.

(5) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the representatives of any other news medium.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing room while the Committee is in session.

(7) Floodlights, spotlights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television networks or stations may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing room to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(8) Not more than 5 press photographers shall be permitted to cover a hearing or meeting by still photography. In the selection of such photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests is made by more than 5 representatives of any news medium for coverage of the hearing by still photography, such coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not place themselves in positions which obstruct unnecesarily the coverage of the hearing or meeting by the representatives of any other news medium.

(10) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(11) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(12) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

RULE 6. COMMITTEE REPORTS

Every investigative report shall be approved by a majority vote of the Committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with clause

2(1)(5) of Rule XI of the Rules of the House. The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) unless the Committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member of such Committee for at least 3 calendar days (excluding Saturdays, Sundays, and legal public holidays) before the consideration of such proposed report in the Committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the Committee before the consideration of the proposed report in the Committee.

RULE 7. POWERS AND DUTIES OF COMMITTEE

(a) For the purpose of carrying out any of its functions and duties, the Committee is authorized to sit and act at such times and places as it considers appropriate whether the House is sitting, has recessed, or has adjourned.

(b) The Committee may require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, documents, and other exhibits and materials, as it considers necessary. A subpena may be issued by the Committee only when authorized by a majority of the members of the Committee and authorized subpenas shall be signed by the Chairman or by any member designated by the Committee.

(c) The Chairman shall report on a regular basis the findings of the Committee to the following committees of the House: the Committee on Armed Services, the Committee on Government Operations, the Committee on International Relations, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means.

RULE 8. AMENDMENT OF RULES

The Rules of the Committee may be modified, amended, or repealed, by a majority vote of the Committee. Written notice of the proposed change shall be provided to each member of the Committee 2 legislative days before the meeting date on which such changes are to be discussed and voted upon.

D. MEMBERSHIP AND STAFF

During the Second Session of the 95th Congress, Congressman Daniel K. Akaka was appointed to the Select Committee on March 22, 1978 to succeed Congressman Herman Badillo who vacated his seat on November 4, 1977. The Committee's Ex Officio membership increased during this session. As of the date of this report, the membership is as follows:

Select Committee on Narcotics Abuse and Control

LESTER L. WOLFF, New York, *Chairman*

PETER W. RODINO, Jr., New Jersey
PAUL G. ROGERS, Florida
E (KIKA) de la GARZA, Texas
JAMES R. MANN, South Carolina
MORGAN F. MURPHY, Illinois
CHARLES B. RANGEL, New York
FORTNEY H. (PETE) STARK, California
GLENN ENGLISH, Oklahoma
BILLY L. EVANS, Georgia
LEO C. ZEFERETTI, New York
DANIEL K. AKAKA, Hawaii

J. HERBERT BURKE, Florida
TOM RAILSBACK, Illinois
LOUIS FREY, JR., Florida
ROBIN L. BEARD, Tennessee
BENJAMIN A. GILMAN, New York
TENNYSON GUYER, Ohio

EX OFFICIO

MARIO BIAGGI, New York
LINDY BOGGS, Louisiana
CARDISS COLLINS, Illinois
ROBERT K. DORNAN, California
DANTE B. FASCELL, Florida
BARBARA A. MIKULSKI, Maryland
STEPHEN L. NEAL, North Carolina
PATRICIA SCHROEDER, Colorado
JOE SKUBITZ, Kansas

Staff

For most of 1978, the committee staff consisted of nineteen professional and six clerical staff members. In addition, the Committee utilized and paid, on an "as needed" basis, for the services of two consultants in the field of narcotics abuse and control.

The Committee's editorial and printing work was performed by two employes of the Government Printing Office, who were detailed to the committee. The Drug Enforcement Administration detailed an investigator to assist in the law enforcement aspects of narcotics abuse and control. The National Institute on Drug Abuse also loaned the committe one employee with substantial expertise in drug abuse.

The Congressional Research Service in the Library of Congress and the House Information Systems provided substantial research assistance to the committee.

Seven student interns from various schools including Howard University, Pomona College, Tulane University Law School, Trenton State College, Syracuse University, University of Rochester, Harvard University, Syracuse Law School were utilized to assist the professional staff members. Their assistance was rendered in all phases of nonclassified staff work.

As of the date of this report, the staff consists of the following professional and clerical employees:

COMMITTEE STAFF

JOSEPH L. NELLIS, *Chief Counsel*
WILLIAM G. LAWRENCE, *Chief of Staff*

PROFESSIONAL STAFF

ALMA E. BACHRACH, *Investigator*
CHERYL A. BADEY, *Research/Financial Staff Member*
TONI P. BIAGGI, *Research Assistant*
ELLIOTT A. BROWN, *Professional Staff Member*
RICHARD S. CARRO, *Staff Counsel*
ANDREW D. DUSKIE, *Professional Staff Member*
DANIEL F. LEONARD, *Investigator*
ROBERT M. ORR, JR., *Research Assistant*
JOHN W. PEPLOE, *Investigator*
DAVID PICKENS, *Project Officer*
DAVID SANDLER, *Staff Counsel*
LAURA B. SHERMAN, *Research Assistant*
DANIEL A. STEIN, *Research Assistant*
DIANE E. STRIAR, *Press Officer*
DOREEN E. THOMPSON, *Staff Counsel*
THOMAS H. VOGEL, *Staff Assistant*
S. HOWARD WALLACH, *Staff Counsel*

CLERICAL STAFF

KAREN E. ANDREWS, *Secretary*
JEANNINE G. COURTNEY, *Secretary*
MARY P. CROSSON, *Clerk-Typist*
PATRICIA E. SHREVE, *Receptionist*
CAROLE A. URBANSKE, *Secretary*
JERRILEE J. WILLIAMS, *Secretary*
WENDY J. WINKER, *Secretary*

DETAILED STAFF

DR. MICHAEL BACKENHEIMER, *National Institute on Drug Abuse*
ARTHUR LOEWY, *Government Printing Office*
LOUIS WILLIAMS, *Government Printing Office*

E. FULL COMMITTEE MEETINGS

In 1978, the Select Committee met on the following two occasions to transact Committee business: March 1 and April 13.

ACTIVITIES

A. Services Provided to Standing Committees and Members

The Select Committee on Narcotics Abuse and Control was created by the 94th Congress to centralize the oversight work performed by seven legislative committees on all facets of drug abuse. The thrust of all major committee activities is to produce a record from which the standing committees of the Congress which have legislative jurisdiction can better perform their legislative responsibilities.

The investigations, fact-finding missions and executive agency oversight activities which are conducted by the Select Committee are focused upon the charge levied upon the Committee in the mandate:

> (1) To conduct a continuing comprehensive study and review of the problems of narcotics abuse and control, including but not limited to, international trafficking, enforcement, prevention, narcotics-related violations of the Internal Revenue Code of 1954, international treaties, organized crime, drug abuse in the Armed Forces of the United States, treatment and rehabilitation, and the approach of the criminal justice system with respect to narcotics law violations and crimes related to drug abuse; and
>
> (2) To review any recommendations made by the President, or by any department or agency of the executive branch of the Federal Government, relating to programs or policies affecting narcotics abuse or control.

The services which the Select Committee performs for the various standing committees take many different forms from research to legislative recommendations. The primary service which the Select Committee performed for the standing committees and all other Members of Congress was the preparation of Vol. 1 of the Congressional Resource Guide to the Federal Effort on Narcotics Abuse and Control: 1969–1976. This volume provides for the first time an outline of the Federal legislation on narcotics matters, the statutory mandates and budgetary data on more than 100 agencies involved in drug abuse programing during the period from 1969–1976. Compilation of this information into a single document has greatly clarified the fragmentation which exists between these agencies, and will make the oversight task much less of a hit-or-miss operation for committees of appropriate jurisdiction.

The major activities of the Select Committee are highlighted in a later section of this report, however, it is important to note at this point how the findings, conclusions and recommendations of the Select Committee's investigations were of service to the standing committees with legislative jurisdiction over the narcotics issue.

The authorizing resolution for the Select Committee requires that at least one member of the Select Committee be chosen from each of the following committees of the House because of the legislative jurisdiction which each one has over some facet of the narcotics issue: The Committee on Armed Services, the Committee on Government Operations, the Committee on International Relations, the Committee on Interstate and Foreign Commerce, the Committee on the Judiciary, the Committee on Merchant Marine and Fisheries, and the Committee on Ways and Means. It is useful to note how the Select Committee facilitated the work of each of these committees.

THE COMMITTEE ON ARMED SERVICES

The Select Committee held a series of five hearings on drug abuse in the military. At the final hearing the Department of Defense issued a 12-point plan aimed at ascertaining the actual level of drug abuse in the services and responding to the problem. All findings from the hearings and onbase investigations were passed to the Committee on Armed Services. The Committee on Armed Services announced their plans to initiate their own investigations and hearings beginning in August into drug abuse issues not touched upon by the Select Committee. The first witness at their opening hearing was Congressman Glenn English, the Chairman of the Select Committee's Task Force on Drug Abuse in the Military.

THE COMMITTEE ON GOVERNMENT OPERATIONS

In accordance with the Select Committee's mandate to review recommendations made by the executive branch regarding narcotics control programs or policies, the Select Committee worked closely with the Government Operations Subcommittee on Legislation and National Security during their review of Reorganization Plan No. 1 which included a provision abolishing the congressionally mandated Office of Drug Abuse Policy. Chairman Wolff and Congressman Gilman of the Select Committee presented testimony at these hearings. In addition, the Select Committee has kept the Government Operations Committee advised of all oversight investigations so that there has been no duplication in the two committees' oversight efforts.

THE COMMITTEE ON INTERNATIONAL RELATIONS

The Select Committee has conducted two joint factfinding missions with the Subcommittee on Asian and Pacific Affairs, during 1978. These two study missions focused on the effectiveness of international narcotics control in those countries in close proximity to the opium producing areas in Southeast Asia. In addition to the recommendations from these reports, the staff has been in regular communication with the staff of the International Relations Committee, and its subcommittee on International Operations in particular, concerning the effectiveness of the narcotics control program conducted by the Department of State's Office of International Narcotics Control. The staff provided substantial information in connection with the Department of State's request for funding under this program for a hearing being held by two subcommittees of the International Relations Committee. In addition, the Select Committee worked closely with the International Relations Committee on an amendment to the Foreign Assistance Act concerning the use of paraquat on marihuana in Mexico and the use of helicopters in Burma. All activities dealing with international narcotics control are coordinated with the efforts of the International Relations Committee.

THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Select Committee, in focusing on demand reduction activities conducted three specific hearings at the request of the Subcommittee on Health, which is chaired by Representative Paul Rogers, who is a member of the Select Committee as well. These hearings were on the prescription and detailing of psychotropic drugs, the overprescription of controlled substances, and the abuse of PCP. The hearings on PCP produced a record from which the staff, in close consultation with the staff of the Health Subcommittee, prepared an amendment to the Psychotropic Substances bill requiring the reporting of all purchases of the chemical piperidine. The amendment was passed by the House in the closing days of the session. The Subcommittee on Health was consulted at every step of the Committee's investigation and 15 hearings on treatment and prevention issues. In addition, the Health Subcommittee has been the recipient of all of the recommendations made by the Select Committee concerning programs operated by any of the agencies involved in demand reduction.

THE COMMITTEE ON THE JUDICIARY

The Select Committee has referred to the Judiciary Committee all of the legislative recommendations dealing with revision of the Criminal Code which were the result of several hearings held by the Select Committee. In addition, the Select Committee undertook an investigation of the narcotics related programs of the Law Enforcement Assistance Administration, and prepared a report solely for the use of the Judiciary Committee on this investigation. The Select Committee has also kept the Subcommittee on Immigration, Citizenship, and International Law fully informed on the plans of the administration to create a single Border Management Agency to handle all enforcement issues at the border including smuggling and illegal immigration. The Subcommittee on Immigration joined with the Select Committee on the trip to Southeast Asia in July where they focused upon refugee matters as well as participating in numerous narcotics related meetings.

THE COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Select Committee held 3 days of hearings in south Florida concerning the smuggling of narcotics into south Florida and the entire Southeastern region of the United States. A representative from the Committee on Merchant Marine and Fisheries attended these hearings at the Committee's invitation. Following the hearing, the Select Committee kept the Subcommittee on Coast Guard and Navigation fully informed of the Select Committee's interactions with the White House task force which led to numerous recommendations to increase Federal activity to control smuggling in south Florida.

Many of the recommendations and some of the legislation which was proposed as a result of the investigation concerns the programs of the Coast Guard and their need for expanded jurisdiction to effectively combat the smuggling of millions of pounds of marihuana and tons of cocaine from South and Central America. This will keep the Select Committee and Subcommittee on the Coast Guard working closely together. Following the Select Committee hearings, the Subcommittee held hearings on the Coast Guard's overall law enforcement activities and the problems which face the Coast Guard either because of lack of resources or loopholes in their statutory mandate.

THE COMMITTEE ON WAYS AND MEANS

The original mandate of the Select Committee required the presence of a Member of this Committee because of the oversight jurisdiction the Ways and Means Committee has over the Internal Revenue Service. During the past year the Select Committee advised the Committee on Ways and Means of the findings from the investigation into the laundering of funds in Chicago and the means by which traffickers evade paying taxes on the profits from narcotics activities. In addition the chief counsel met on two occasions with a member of the Committee to discuss the issue of forfeiture of assets in connection with the prosecution of narcotics violators.

SUPPORT SERVICES TO OTHER COMMITTEES

In addition to support services for these standing committees, the Select Committee provided research and investigative help to a number of other committees. The following are examples of this type of support:

The Select Committee on Aging was advised and consulted on the Select Committee on Narcotics' hearing into drug abuse and the elderly. Discussions were held with Congresswoman Oakar's staff concerning possible joint hearings in the future on drug abuse and the elderly.

A Member of the Committee on Agriculture accompanied the Select Committee on a factfinding mission to Southeast Asia to study crop and income substitution programs after he received a briefing and extensive material from the staff on crop substitution programs around the world.

The Committee on Appropriations has received all of the reports from the Select Committee and the Congressional Resource Guide, which was aimed at providing all committees with new criteria from which they can more adequately evaluate the impact of drug programing on the citizens of the United States.

The Committee on Banking, Finance and Urban Affairs has been kept advised of the findings of the investigations in Chicago and south Florida which included testimony from representatives of the Comptroller of the Currency. In addition, legislative proposals drawn up by the Select Committee to amend the Bank Secrecy Act have been passed on to this committee which has legislative jurisdiction.

The Select Committee advised the Committee on Veterans' Affairs of the findings of the hearing on drug treatment programs conducted by the Veterans Administration.

The Select Committee worked with Congressman Rangel of the Black Caucus on the preparation of materials for the panel sponsored by the Black Caucus on drug abuse among minorities, during the Black Caucus' annual legislative weekend.

The Select Committee advised the Chairman of the Judiciary Subcommittee on Criminal Justice on the issues relative to legalizing cultivation of *Papaver bracteatum* in the United States.

The Select Committee provided the Senate Subcommittee on Permanent Investigations with several briefings on the findings from the investigations into organized crime activities in south Florida.

The Select Committee briefed the Senate Subcommittee on Juvenile Delinquency and the Subcommittee on Alcohol and Drug Abuse on the findings from the hearings on PCP abuse and psychotropic substance abuse. The staff also worked with the staff of Senator Bentsen on his legislative proposal concerning PCP.

Discussions were held with members of Senator Percy's staff concerning differences between House and Senate amendments to the Foreign Assistance Act as it relates to prohibiting funding for any program which facilitates the spraying of marihuana with paraquat in Mexico.

The staff prepared a comprehensive list of legislation relating to drug abuse issues during the 95th Congress for Congressman Sisk's office.

Discussed the issues supporting the preparation of H.R. 12587, the Marihuana Pre-Trial Diversion bill with Congressman Billy Lee Evans' staff and the staff of the House Interstate and Foreign Commerce's Subcommittee on Health and the Environment.

In addition, the Select Committee routinely invited members of relevant committees to participate in the hearings of the Select Committee whenever the subject matter being covered fell within that standing committee's legislative purview.

In general, the Select Committee attempted to provide all appropriate standing committees with the findings from all investigations which were of interest to the standing committees. The Select Committee also served as a resource for all Members of Congress in connection with responding to their own constituents' correspondence or by providing data and material for use in preparing statements and speeches.

B. Congressional Resource Guide

The compilation of the Congressional Resource Guide was undertaken by the Select Committee in response to its legislative mandate to conduct a continuing comprehensive study and review of the problems of narcotics abuse and control. The Select Committee had the responsibility to perform congressional oversight over all of the Federal agencies and offices which are implementing drug abuse programing. To do this effectively, the Select Committee had to identify all of the offices and agencies, find out what are their mandates in the drug abuse field, how much they are spending and what impact the Federal programs are having on the environment.

This guide is specifically designed as a reference tool for use by those standing committees with jurisdiction over drug abuse. It presents for the first time under one cover, a comprehensive review of the Federal effort to control narcotics abuse during the period 1969–76, the time frame of the so-called "War on Drugs". It further provides the legislative, organizational, and budgetary basis for determining the effectiveness of current programing and designing legislative initiatives.

The Congressional Resource Guide (CRG) was the major product of the Select Committee's effort to provide research and staff support to the standing committees of the Congress with legislative jurisdiction over any aspect of the drug abuse issue.

The CRG is not intended to be an outline for a new Federal strategy and therefore does not include a critical analysis of the operations of Federal agencies. No recommendations for new funding levels or legislation are contained herein. A comprehensive review of past and current Federal approaches to the various drug abuse target issues and populations is presented. The CRG provides the standing committees of the Congress with an objective overview from which to:

1. More adequately evaluate old and new legislative initiatives;
2. Create standards for evaluating the effectiveness of current programing;
3. Draw conclusions about the effect previous expenditures have had on the level of drug abuse in the United States.

The Select Committee distributed the Congressional Resource Guide to all Standing Committees of the Congress and all members of the House and Senate. A substantial number of requests for copies of the CRG from executive agencies, private and public organizations have been received and complied with. At this time, no decision has been made on whether to compile a second volume to the CRG which would provide information for 1977 and 1978.

C. SPECIAL INVESTIGATIONS

1. STUDY MISSION ON INTERNATIONAL CONTROLS OF NARCOTICS TRAFFICKING AND PRODUCTION

On January 2, 1978, Chairman Lester Wolff, acting in a dual capacity as Chairman of the Select Committee on Narcotics Abuse and Control and Chairman of the Subcommittee on Asian and Pacific Affairs, led a study mission to Asia and the South Pacific with ten members of the Select Committee, the International Relations Committee and four other committees of the Congress. The delegation was bipartisan in nature and had representatives from all geographic regions of the United States.

This 10-nation, 20-day mission focused on a study of narcotics abuse and the impact of heroin trafficking from the Golden Triangle on those countries in close proximity to the source area and on a discussion of the prospects of establishing international cooperative efforts to stem the flow of narcotics. The bottom line of each of the discussions with the prime ministers, foreign ministers and narcotics officials was finding the ways and means of preventing an increased flow of 90 percent pure Southeast Asian heroin from reaching the international markets in Southeast Asia, Europe, and the United States.

There has been a startling increase in the percentage of heroin from Southeast Asia reaching the veins of the addicts of this country. Eighteen months ago, when the Select Committee was formed, 85 to 90 percent of the heroin in the United States came from the poppy fields in Mexico, with only 5 to 10 percent coming from Southeast Asia. Now, although the U.S. narcotics agencies claim that the amount of heroin being imported into the United States has decreased from 7 tons to 6 tons, 30 to 35 percent of the heroin entering the United States and nearly 80 percent of the heroin entering many areas of Europe originates from the Golden Triangle of Burma, Thailand and Laos. In spite of all the seizures, all the narcotics assistance and all our international cooperation, the floodgates have been opened and the people of Southeast Asia, Europe and the United States are being drowned by a torrent of pure white heroin.

Having this in mind, we were determined to measure the nature and extent of their narcotics trafficking activities and narcotics abuse in Japan, the Philippines, New Guinea, Australia, Singapore, Malaysia, Thailand, India, Iran, and England during the study mission.

The following are highlights of the findings in each country:

Japan which is in the throes of an amphetamine epidemic, is a major producer of acetic anhydride, which is used in the refining of heroin. The Committee recommended that the Japanese devise some means of preventing the diversion of acetic anhydride to less developed areas where there is little in the way of legitimate industrial need.

The Philippines have drastically reduced the number of hard drug abusers through strict enforcement, including martial law, and a comprehensive prevention program. We found that marihuana use and alcohol abuse are widespread at Subic Bay Naval Station and Clark Air Force Base, but not as serious a problem as at other overseas locations like Western Europe.

In Papua, New Guinea, which because of its location is a potential transit point, the Committee found no evidence of a serious drug abuse problem and recommended that DEA provide enforcement training to the newly formed narcotics squad.

The Australians have a serious and expanding drug abuse problem which is complicated by the unpatrollable nature of its vast coastline. The Committee recommended that NIDA assist the Australian government in designing studies to measure the scope of the domestic problems and that Customs assist in designing a strategy to more effectively seal the border to the smuggling of contraband.

In Singapore, the Committee visited the major treatment center and evaluated the overall demand reduction program. Four members of the Select Committee participated in the Department of State's Southeast Asian Regional Narcotics Coordinators Conference.

In Malaysia, the Committee learned of the massive levels of heroin trafficking and the difficulties enforcement personnel face. The Committee recommends that the enforcement assistance program be greatly expanded because of the growing importance of Malaysia as a heroin transshipment site, which has resulted from the increase in enforcement in Thailand and the use of Malaysia as a major transit point by those groups which previously worked in Thailand.

In a 4-hour stopover in Thailand, the Committee was briefed by the prime minister on recent developments and reassured of the depth of commitment to narcotics control of the Thai government.

India is the largest producer of opium for the licit market. The Committee was alerted to the oversupply of poppy straw from Turkey, which may depress the price of opium and undermine the control system in India. The Committee recommended that the International Narcotics Control Board look at the matter closely.

While in Iran for a 4-hour stopover, the Committee was able to stimulate the interest of Iran in international controls and received a pledge that their UNFDAC contribution would be expanded.

The Committee's visit to England focused on the British approach to demand reduction issues and the findings were used directly in the Committee's 15 hearings on U.S. demand reduction programs.

The Committee concluded that it is important to point out that the prime ministers, presidents and heads of the narcotics information agencies of each host country agreed that the war on narcotics trafficking cannot be fought by individual armies. Only through a unified response can we hope to stop the increasing flow of heroin to the United States and other parts of the world. It is a sad commentary that an increase in the level of domestic abuse of drugs usually is the only means of guaranteeing an increased level of commitment to international narcotics control efforts. We must lend more support to these nations and to every nation in the world that can be enlisted to combat the spread of heroin traffic and addiction.

2. SOUTH FLORIDA

At the urging of the ranking minority member of the Committee, J. Herbert Burke, the Select Committee began a series of investigations into cocaine and marihuana trafficking and the involvement of organized crime in legitimate businesses in south Florida. In preliminary trips to Florida staff investigators discovered that cocaine and marihuana enter Florida in huge quantities and by every conceivable means of transportation, overwhelming law enforcement attempts to interdict the contraband.

The investigations led the Committee to hold hearings in Florida on June 9 and 10 in order to determine the exact nature of the trafficking and the extent of Federal, State and local law enforcement responses. The Committee found that over $6 billion worth of cocaine and marihuana passes through south Florida annually. Yet law enforcement officials seize less than 5 percent. Severe shortages of manpower and material and financial resources handicap Federal, State and local law enforcement officials. The authorities are hampered, in addition, by loopholes in the U.S. Code and in treaties with South American governments which prevent them from arresting and prosecuting persons for possessing narcotics on the high seas. Those who are arrested—on the high seas for conspiracy to import into the United States or on land for possession—are treated more leniently than in other parts of the country.

An influx of organized crime figures into south Florida is one result of the profitable drug traffic. Their presence has begun to seriously affect the legitimate business climate there.

The seriousness of the situation in Florida led the Committee to send a telegram to the White House, the Department of State, the Drug Enforcement Administration and Customs, calling for immediate Federal action to beef up law enforcement in south Florida. To ensure high level cooperation members of the Committee met in Washington on June 13, with officials from the White House, Customs, DEA, the Coast Guard and the State Department. Attending were:

CONGRESSIONAL MEMBERS

Chairman Wolff
Congressman Pepper
Congressman Frey
Congressman Fuqua
Congressman Ireland
Congressman J. Herbert Burke
Congressman Biaggi
Congressman Akaka
Congressman Zeferetti
Congressman Morgan Murphy
Congressman Gilman
Congressman Rangel
Congressman Skubitz
Congressman Rogers

AGENCY REPRESENTATIVES

Customs:
  Mr. Lehman
  Mr. Thorne
  Mr. Hahn
DEA:
  Mr. Bensinger
White House:
  Mr. Dogoloff
  Mr. Williams
State Department:
  Ms. Falco
Coast Guard:
  Admiral Venzke

The Committee requested that the President sponsor an action plan to deal with the emergency situation identified by the Select Committee. At the meeting the White House promised immediate compliance by the executive agencies to the following Committee proposals:

1. The establishment of a special White House review board to coordinate all new Federal law enforcement efforts in the area.
2. The implementation of special enforcement task forces to launch Federal agency joint operations including prosecutorial coastline enforcement and intelligence assistance.
3. The provision of military assistance to law enforcement agencies which would not be in conflict with posse comitatus legislation including materials such as aircraft, boats, and sophisticated electronic surveillance equipment.
4. The additional assignment of Customs and DEA personnel in Colombia and south Florida to aid in the analysis of intelligence.
5. The cooperation of the Department of Justice to rectify the disparity of sentencing in the Florida region.
6. The review of current U.S. legislation controlling territorial waters and of current treaties to allow for expedient seizures of narcotics and prosecution of traffickers.
7. The establishment of a full-time Federal narcotics strike force in south Florida and a review of equipment and manpower currently in use there.
8. The provision of U.S. Centex investigation to Colombia to provide for effective prosecution of Colombian nationals engaged in trafficking.

On July 18, the White House replied formally to the Select Committee's concerns about drug trafficking and organized crime in the southeastern United States. Included in the White House comprehensive plan were:

An intensive assessment of the drug sources and traffic routes has been initiated by the interagency narcotics intelligence committee. This report will address the South American and Central American countries, as well as the Caribbean and will be completed in mid-July.

A Department of Justice team will travel to Colombia to discuss how Colombian nationals can be prosecuted under Colombian law either in the United States or Colombia if it can be shown directly or indirectly that they possess or have facilitated the possession of huge sums of money, largely using international banking facilities, where the assets can be directly linked with illicit drug trafficking.

The U.S. delegation to the current General Assembly of the Organization of American States (OAS) is pressing for general recognition of drug trafficking as a hemisphere-wide problem requiring cooperative action by OAS members.

DEA has detailed 15 additional special agents to Florida to assist in handling the heavy caseload and to assist in developing conspiracy cases.

DEA will open new offices in Panama City and Fort Myers, Florida and increase the permanent staff in Miami.

Customs will open a patrol station in Fort Myers and increase staffing at Key West and Fort Lauderdale. New patrol stations at Crystal River and Fort Pierce are under consideration.

A Currency Investigation Task Force is being formed in Miami by Customs. This group of investigators will seek to expand upon violations of the Bank Secrecy Act, applying them in concert with other violations of Customs statutes, and laws enforced by Customs. The group will coordinate with the DEA in all violations of the currency laws that involve smuggling or trafficking in narcotics.

The Attorney General has been asked to take action to encourage more aggressive bail and sentencing policies. Steps are being taken to insure that adequate information is furnished to the judges so that appropriate bail is set and adequate sentences are meted out.

DEA is finalizing negotiations with the Florida Department of Criminal Law Enforcement regarding the possibility of that agency serving as a statewide clearinghouse for information and an interface with the El Paso Intelligence Center (EPIC) for other non-Federal agencies within the State. DEA is negotiating similar initiatives with Georgia and South Carolina.

Discussions have begun with DOD to determine the feasibility of increased involvement of U.S. military resources, in conjunction with normal National Defense missions, to assist in surveillance and communications support of Federal law enforcement efforts against drug traffickers penetrating our sea and air borders.

DEA, Customs and Coast Guard will plan special operations for early Fall 1978.

> The Attorney General has been asked to give special consideration to requests for LEAA grants which have the potential for significant impact on the drug trafficking originating in or transiting the Caribbean area. Particularly useful would be funding assistance to the Florida Statewide Grand Jury and to other prosecutorial areas.
>
> The Coast Guard is expanding, in coordination with Customs, their PADIE (Prevention and Detection of Illegal Entry) Program.
>
> The staff of the U.S. Attorney's Office has been augmented by temporary assignment of three attorneys for the Narcotic and Dangerous Drug Section of the Criminal Division of the Department of Justice, and additional assignments are under consideration. The Executive Office of the U.S. Attorney's Office is reviewing the possible assignment of additional Federal prosecutors to Miami and Puerto Rico.

The Committee was impressed by the timely and thorough nature of the White House response to its concerns and the extensive incorporation of Committee recommendations. The Members look forward to the significant effect this plan will have on drug trafficking in Southeastern United States.

In a subsequent report written on its hearings in south Florida, the Committee recommended a number of legislative initiatives to further alleviate the situation in Florida.

The substance of these recommendations follow:

1. The Committee has recommended to the White House a revision of Posse Comitatus legislation (18 U.S.C. Sec. 1385) for the sole and express purpose of enforcing Federal law prohibiting the unlawful import of a controlled substance (Sec. 1102 of the Controlled Substances Import and Export Act 21 U.S.C. Sec. 952). The Committee also recommended that this draft legislation contain a provision making it a Federal offense for an American citizen to possess a controlled substance upon the high seas.

2. The Committee recommends an amendment to Sec. 511 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. Sec. 881) subjecting the proceeds of illegal drug transactions to forfeiture.

3. The Committee recommends the following amendments to the Currency and Foreign Transactions Reporting Act (31 U.S.C. Sec. 1051 *et seq.*):

    (*a*) Increase the civil penalty set forth in Sec. 207(a) [31 U.S.C. [illegible] 1056(a)] for violations of the Act from $1,000 to $5[illegible] in the case of a domestic financial institution; and t[illegible]3,000 in the case of a partner, director, officer, or employee of any such institutions who willfully participates in the violation;

    (*b*) Increase the criminal penalties set forth in Sec. 209 (31 U.S.C. Sec. 1058) for violation of the Act to $5,000 and/or 3 years;

    (*c*) Add a new Sec. 214 (31 U.S.C. Sec. 1053) stating that the Secretary require suitable notice of all reports required under the Act be displayed in each domestic financial institution and at each place where officers of Customs regularly discharge their duties under title 19, U.S. Code;

(*d*) Amend Section 221 (31 U.S.C. Sec. 1081) to require that transactions involving any domestic financial institution shall be reported to the Secretary if they involve the transfer of U.S. currency or other monetary instruments in excess of $5,000 on any one occasion. Transactions involving an amount not in excess of $5,000 shall be reported to the Secretary under circumstances deemed appropriate by the Secretary;

(*e*) Amend Section 222 (31 U.S.C. Sec. 1082) to require that reports of transactions required to be filed contain information sufficient to identify each party thereto or participant therein as the Secretary may require;

(*f*) Amend Section 231(a) [31 U.S.C. Sec. 1011(a)] to provide that whoever (1) intends to transport or cause to be transported monetary instruments outside the United States in an amount exceeding $5,000 on any one occasion shall file a report prior to departing from the United States; (2) knowingly transports or causes to be transported monetary instruments into the United States in an amount exceeding $5,000 on any one occasion shall file a report prior to or at the time of arrival in the United States; (3) receives monetary instruments at the termination of their transportation by common carrier in an amount exceeding $5,000 on any one occasion shall file a report; and

(*g*) Redesignate subsection (b) as subsection (c) and add a new subsection (b) to section 235 (31 U.S.C. section 1105) to provide that an officer of Customs may, in exigent circumstances, conduct a warrantless search if he has probable cause to believe that monetary instruments for which a report required under the Act has not been filed are in the process of transportation.

4. The Committee recommends that H.R. 13876 (94th Congress), the International Banking Act of 1976, be reintroduced. As passed by the House this bill amended the Bank Holding Company Act, the Federal Deposit Insurance Act, and the Federal Reserve Act to regulate, through the Secretary of the Treasury and the Comptroller of the Currency, foreign banks establishing, operating or controlling branches in the United States. This Act would subject foreign banking operations in the United States to the same reporting and inspection requirements imposed on member banks in the Federal Reserve System.

5. The Committee recommends that section 433 of the Tariff Act of 1930, as amended, (19 U.S.C. section 1433) be amended to require that the master of any vessel of a foreign port or place, or a foreign vessel from a domestic port, or a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, immediately report the arrival of the vessel to the nearest cus-

tomhouse or other place as the Secretary may designate. The Secretary may, by regulation, extend the time in which to report, not to exceed 24 hours.

6. The Committee recommends that legislation be enacted to regulate the transfer of a controlled substance between vessels on the high seas.

7. The Committee recommends the enactment of legislation enabling the Coast Guard to board a stateless vessel on the high seas if there are reasonable grounds to believe that the vessel contains a controlled substance intended for distribution in the United States. Such legislation also would subject persons on board a stateless vessel to U.S. criminal laws, as well as subject the vessel and contraband to forfeiture.

8. The Committee recommends that similar legislation be adopted for foreign vessels carrying contraband where there is evidence that such contraband is intended for importation into the United States in violation of U.S. laws.

The Committee passed these legislative recommendations on to the proper Standing Committees of the House for their consideration.

Mr. Gilman has introduced legislation which will have a significant impact on drug trafficking through Florida. H.R. 8149 requires the immediate reporting of vessels arriving in the United States from foreign ports and increasing the penalties for failure to properly report and enter and for failure to report the importation of certain illegal substances.

The Committee's investigations, hearings, and report on south Florida have brought about a significant increase in law enforcement capabilities and in the rate of narcotics interdiction. By exercising its oversight functions, the Committee succeeded in bringing public attention to a disastrous situation and in prompting effective action by the executive branch. The Committee will continue to monitor the performance of law enforcement agencies in south Florida.

3. DEMAND REDUCTION

During 1978 the Committee turned its primary attention toward the pressing issue of demand reduction. The Committee held 15 hearings which focused on drug abuse treatment and prevention programs. The Select Committee has prepared a report on this series of hearings which reviews what has been done since the Committee issued the Interim Report in January 1977. This report includes recommendations to the standing committees for needed future legislation as well as direct recommendations to executive agencies.

a. Treatment

The Committee continued to exercise its oversight of Federal efforts to treat and rehabilitate drug abusers during 11 hearings. The major findings are summarized below.

Federal Treatment Policy, June 14, 1978

This hearing focused on determining the Federal strategy for the treatment of drug abusers. The hearing concentrated on programing by the Department of Health, Education, and Welfare and its subsidiary agencies and policymaking by the White House. Witnesses were Mr. Lee Dogoloff, Associate Director of the Domestic Policy Staff and Dr. Gerald Klerman, Administrator, ADAMHA who appeared on behalf of the Department of Health, Education, and Welfare.

Both Mr. Dogoloff and Dr. Klerman referred extensively to the March 1978 Office of Drug Abuse Policy report on "Drug Use Patterns, Consequences and the Federal Response: A Policy Review" in their testimony. In the field of treatment, the ODAP report stressed improved collaboration between substance abuse treatment programs and other support service programs. It called for increased services for the compulsive drug abuser and for access by all alcohol and drug abusers to the major health, social service, and employment and training systems. The report made a number of very sound recommendations for implementation of these new priorities during 1978 and 1979, including the development by ADAMHA, NIMH, and NIDA of treatment protocols for drug abuse counseling; model Federal-level agreements between health and social service programs, removing barriers to their cooperation and collaboration at the State and local level; the development of agreements between the Department of Labor and HEW to provide training and employment services to abusers; and many others.

Many of these recommendations responded directly to problems raised by this Committee's Interim Report. Both witnesses stressed that the Interim Report had been very useful in pointing out weaknesses in the treatment field and that the implementation of ODAP's recommendations in the coming year or two would hopefully go a long way to improving the situation.

The Committee felt that both the Domestic Policy Staff and HEW recognize the dimensions of the treatment problem and are willing to exert the leadership necessary to deal with those problems. The Committee supports many of the specific actions recommended by ODAP and hopes that Federal efforts outlined in the report will be undertaken in a coordinated manner. The Select Committee will continue to monitor how the recommendations are implemented. Unfortunately, the Select Committee's attempt to prolong the life of ODAP so that it could oversee the implementation of the recommendations from its treatment report was unsuccessful.

Integrated Service Delivery, June 14, 1978

In its Interim Report, the Committee clearly advocated Federal participation in the implementation of an integrated services delivery system. Such a system should combine drug treatment with vocational training, job counseling, and psychiatric and medical services to facilitate the return of the ex-addict or ex-abuser to productive activities within society. Fragmentation in the Federal effort seems to create a parochial environment in localities. Services the drug abuser require are available only if they are contained within the drug abuse treatment network. The lack of an integrated services network is considered to be a barrier to rehabilitative success. In order to determine the degree to which the fragmentation on the Federal level hinders local attempts to develop a cohesive, logical treatment network, the Committee heard testimony from the following witnesses who have a local perspective:

Dr. David Lewis, Chairperson, National Association for City Drug Coordination, Boston, Mass.

Mr. Claude Reese, Vice Chairman, National Association for City Drug Coordination, New Orleans, La.

Mr. Ed Menken, Director, Project Return, New York City.

Dr. Fred R. West, Administrator, Substance Abuse Administration (Narcotics Treatment Administration).

Ms. Susan M. Kirchberg, Director, Division of Substance Abuse, Department of Mental Health, Mental Retardation and Substance Abuse, City of Alexandria, Va.

The Select Committee found that many urban areas where drug abuse is most serious do not have the opportunity to participate in the State planning process, nor do they receive clear guidelines from the Federal Government on how to establish coordinated services. In fact, all witnesses stated that cooperation on the local level between drug treatment and other services, when it exists, is only as a result of local initiative. Furthermore, the Committee found a total lack of coordination and communication between State agencies.

The Committee concluded that a mechanism must be established to integrate urban areas into the State planning system or else to allow such areas to initiate their own drug abuse plan and fund them directly. The Federal Government could assist integration of local services considerably if it would coordinate the service programs of NIMH, OE and the Department of Labor.

NIDA/ADAMHA, June 15, 1978

In order to ascertain NIDA's role in treating drug abusers and its effectiveness, the Committee heard testimony from Karst Besteman, Deputy Director of NIDA.

NIDA's 1978 budget included support for 39 percent of this Nation's treatment capacity—about 101,000 slots which receive either full or partial funding from NIDA. The Committee was particularly interested in NIDA's efforts to provide integrated service delivery to drug abusers; to set forth viable evaluation models; to promote and apply research efforts; to tailor treatment programs for special populations, and to provide treatment services throughout the country rather than just in major urban areas.

The Committee found that Statewide Services Contracts and formula grants through which NIDA distributes funds for State and local treatment programs are a fairly efficient mechanism for disbursing funds. This method, however, has no provision for assessing the particular needs of urban areas or individual communities, nor does it possess the flexibility to respond to drug abuse treatment emergencies or to trends in a certain area. NIDA, according to Mr. Besteman, recognizes these deficiencies and acknowledges the need to encourage greater sensitivity to community and minority needs.

Mr. Besteman also discussed NIDA's research and evaluation efforts and its funding mechanisms. The Committee expressed the hope that NIDA would adopt a more aggressive role in coordinating treatment efforts on the Federal and local levels.

Drug Abuse and Misuse by the Elderly, June 15, 1978

The elderly represent only 10 percent of the population (22 million), yet consume 25 percent of all prescription drugs. They annually buy over 225 million prescriptions, including almost 180 million for mood-altering drugs. While HEW spends almost half its budget for elderly health care, there is no sustained Federal effort to deal with drug abuse among the elderly or to ensure that they receive preventive education on the proper use of drugs. As a result the elderly experience many drug related problems, which are caused by overprescribing, duplication of medicines, drug exchanges with friends, telephone prescriptions, use of outdated drugs, self-medication, inappropriate prescriptions and harmful combination of drugs.

This hearing was held to ascertain the scope of drug abuse and misuse by the elderly and government and private attempts to combat it. The Committee heard testimony from:

Mrs. Josephine Griffin, Chicago Metropolitan Area Senior Citizens Senate.

Mr. Ronald J. Gaetano, Director, Broome County Drug Awareness Center, Johnson City, N.Y.

Mr. Louis J. Rubenstein, Pharmacist and Member of Alexandria, Va. Task Force.

Dr. Lawrence T. Carroll, Director, Division of Resource Development, National Institute on Drug Abuse.

Dr. Robert Butler, Director, National Institute on Aging.

The witnesses testified that with proper education it is possible to prevent 85 percent of drug misuse by the elderly. Unfortunately, neither NIDA nor the NIA have a significant number of people, much less an office, working on preventing drug abuse among the elderly. Their combined 1978 budget in this area is only $767,000.

The witnesses outlined a number of successful privately funded education programs in individual communities. They suggested that the Federal Government could play an effective role in providing financial and informational resources to interested communities. Additional research on geriatric doses and elderly specific reactions to various drugs should be encouraged by the Federal Government.

The Committee found that although NIDA and NIA recognize the serious nature of drug abuse and misuse by the elderly they do not have the financial and personnel resources to combat it. The Committee is considering rcommending an increase in NIDA's budget for this purpose.

Ethnic Minorities in Drug Abuse Treatment, June 21, 1978

In this second hearing on special population groups which run high risks of substance abuse, the Committee sought to determine the particular needs of minorities in treatment and whether or not these needs are being met. The Committee heard first from Federal and State representatives: Mr. Karst Besteman, Deputy Director of NIDA and Mr. Richard J. Russo, Director, Division of Narcotic and Drug Abuse Control, New Jersey (representing the National Association of State Drug Abuse Program Coordinators). The Committee then heard from representatives of specific ethnic groups:

Mr. Tommy Chung, Executive Director, Asian-American Drug Abuse Program, Inc., Los Angeles, Calif.

Mr. Tino de Anda, Chairman, Chicano Alliance, Phoenix, Ariz.

Reverend Richard Gilmore, Black Task Force, Ann Arbor, Mich.

According to 1977 statistics, 48 percent of admissions to NIDA funded treatment programs were ethnic minorities. NIDA recognizes that at present minority groups are underrepresented in policymaking positions with Single-State Agencies, advisory committees and NIDA, itself. To better assess the needs of minority populations during the planning process, NIDA is now clarifying and strengthening the language in the Sec. 409 funding guidelines and its SWSC Policy and Practice Manual.

Representatives of the minority groups stressed that each group has cultural and social differences which must be taken into account for an effective treatment program. This can only be done by involving minority representatives in the decisionmaking process and in the formulation of policy, rules, and regulations. An effort must also be made to train and accredit minorities to work directly in treatment programs.

Special population groups would benefit from an increased dialog between local programs and Federal agencies and from more integrated treatment programs.

Drug Abuse Treatment Programs With the Veterans Administration, July 25, 1978

The purpose of this hearing was to determine the status of drug abuse treatment programs operated by the Veterans Administration and whether or not the needs of veterans with drug problems are being met by these programs. Although no specific drug treatment program authorization is found in public law, the VA instituted a drug dependence treatment program in 1969. During 1978, the VA will serve some 32,000 drug abusers in 53 treatment units. Dr. Jack Ewalt, Director, and Dr. Baker, Associate Director, Alcohol and Drug Dependence Division, Mental Health and Behavioral Sciences Service, Department of Medicine and Surgery, appeared before the Committee to discuss the treatment and research programs operated with the VA. The Committee was particularly interested in drug abuse trends among veterans, particularly those of the Vietnam era; the degree of cooperation between the VA and the Department of Defense relative to identification of discharged service personnel with drug abuse problems; and the evaluation of drug abuse treatment provided by the VA.

Drug Abuse Treatment Programs Within the Bureau of Prisons, July 25, 1978

It is currently estimated that about one-third of all Federal prisoners have drug problems. The Bureau of Prisons annually treats some 5,000 of these prisoners and provides aftercare for them. The Committee hoped to learn through this hearing how well the Bureau of Prisons meets the needs of Federal prisoners in the drug abuse field. The Committee heard from the following witnesses:

Mr. Norman A. Carlson, Director, Bureau of Prisons.

Matthew L. Myers, Chief Staff Counsel, The National Prison Project of the American Civil Liberties Foundation.

Dennis Curtis, Professor (Adjunct) of Law, Director of Clinical Studies, Yale Law School.

Judith Resnik, Lecturer in Clinical Studies, Supervising Attorney, Yale Law School.

Carlton Lewis, inmate and participant in the Atlanta Federal Penitentiary Drug Abuse Program.

William Cleary, ex-inmate and participant in the Atlanta Federal Penitentiary Drug Abuse Program.

Within its institutions, the Bureau of Prisons operates a major drug abuse treatment program for NARA title II inmates and inmates voluteering for treatment.

At the Bureau of Prisons treatment hearing it was disclosed that the Bureau maintains no standardized training program for its personnel engaged in the delivery of drug abuse treatment services. Training standards, on the other hand, are determined by the individual program managers.

The cochairmen of the BOP hearing, Congressmen Zeferetti and Railsback, suggested that the Bureau and NIDA meet to determine what assistance NIDA may be able to offer BOP with regard to training drug treatment program staff. In furtherance of this suggestion—which was endorsed at the hearing by BOP Director Norman A. Carlson—the Select Committee staff undertook to arrange a preliminary staff level meeting between the Bureau of Prisons, NIDA, and the Select Committee staff.

The first meeting was held on September 22, 1978, in the offices of the Select Committee. Although most of this meeting was devoted to general discussions concerning possible NIDA assistance and Bureau needs, several agreements were reached:

(1) The Bureau would undertake a self-examination to determine what it considers its needs to be in the area of staff training.

(2) The Bureau would accept, and NIDA would undertake a separate needs assessment with regard to Bureau training needs.

(3) NIDA will contract NIAAA so that the needs assessment would include Bureau programs offering alcohol abuse treatment since BOP standards for staff training for alcohol and drug program staff are identical.

(4) Following the completion of the needs assessment studies, a second meeting would be held to determine (a) what identifiable needs can be satisfied by existing NIDA resources, (b) which needs can be satisfied by developing an approach based on NIDA resources, and (c) what identifiable needs cannot be satisfied through NIDA resources.

(5) Following the second meeting, arrangements would be made for a meeting between the Acting Director of NIDA and the Director of the Bureau of Prisons in order that a formal program of NIDA assistance can be agreed upon and implemented.

It was noted at the meeting that NIDA may be able to assist the Bureau in ways other than in the area of staff training. It was determined that such other assistance possibilities should be discussed after formalization of a program of NIDA staff training assistance.

Bureau personnel expressed an interest in receiving more information from NIDA on a continuing basis; NIDA personnel promised to see that this information would be forthcoming.

International Demand Reduction, June 22, 1978

The Committee has stressed a number of times the close link between supply of and demand for narcotics and the fact that both must decrease if we are to successfully inhibit drug abuse. The Federal Government spends about 5 percent ($2 million) of its budget for international narcotics control programs on demand reduction. This hearing sought to determine the focus of such programs, how they are planned, evaluated and monitored and what are the future plans for promoting demand reduction abroad. Ms. Mathea Falco, Senior Adviser to the Secretary of State for International Narcotics Matter and Dr. Robert DuPont, Director of NIDA, testified before the Committee.

NIDA's statutory base for international programs is very vague. It functions in the international arena under the coordinating arm of the State Department—State provides overall policy direction and funding for technical assistance programs and NIDA provides the expertise. The main factor holding NIDA and State from expanding international demand reduction programs is a lack of qualified personnel.

The State Department has targeted priority demand reduction countries from a supply perspective on the theory that countries which are aware of their own drug abuse problems will more actively support supply reduction activities. State and NIDA help other countries to develop their own demand reduction resources through technical assistance programs, demonstration projects and training programs, either bilaterally or through international organizations.

The Committee agreed that it was in the interest of the United States to expand international demand reduction programs and supported legislation enunciating NIDA's international role and funding a more active international program. The Committee was concerned that the State Department was not more aggressive in following up on the U.N. resolution introduced by Chairman Wolff (see sec. D5) which stresses the need for international cooperation on treatment and prevention issues.

Drug Abuse and Women, July 26, 1978

According to the White House Office of Drug Abuse Policy, one in three narcotic addicts is a woman and one in three alcoholics a woman. In addition, NIDA has found that women are the major users of psychoactive drugs that act as depressants, stimulants or sleep inducers. These women's needs are not being met by present drug or alcohol abuse treatment programs. This hearing sought to determine why so many women depend on drugs, what are their special needs, and what is the current Federal and local response to these needs.

The Committee heard testimony from Congresswomen Lindy Boggs, Barbara Mikulski and Patricia Schroeder; Alberta Henderson, Special Assistant to the Assistant Secretary, Human Development Services, HEW; Muriel Nellis, Project Director, Drugs, Alcohol and Women's Health Alliance; Karst Besteman, Acting Director of NIDA; and Margo Hall, Public Health Analyst, NIDA. The Committee is considering means of warning the public of the hazards of polydrug abuse and in particular the reactions which can be brought on when prescription medicines are used in conjunction with alcohol. The Committee focused specific attention on women and drug abuse during two later hearings on the AMA and prescribing patterns, and the marketing practices of the major pharmaceutical houses.

The Committee was particularly gratified that as a result of the hearings concerning drug abuse and women that members of the Judiciary Committee have promised to support funding for the first time for the section in P.L. 94–371 which requires that special attention be paid to the needs of women and juveniles in all grant applications submitted to HEW.

Methadone Hearings, April 19 and May 5, 1978

These hearings on methadone diversion and the impact of proposed Federal methadone regulations on such diversion arose out of a Committee investigation of methadone treatment programs in New York City in the fall of 1977. Through interviews with local law enforcement officials, businessmen, prisoners, addicts and administrators of methadone and drug free programs, the Committee staff documented numerous cases of illicit sales by addicts enrolled in methadone maintenance programs. To determine whether illicit diversion is generic or specific only to New York City which permits take-home methadone, the Committee staff also traveled to Boston which does not permit take-home treatment.

The investigations revealed a significant amount of methadone diversion to the black market in New York City, but not in Boston and an alarming increase in the number of methadone-related deaths nationwide. These findings are substantiated by the numerous drug abuse indicators. One of these, the Drug Abuse Warning Network (DAWN), which is cosponsored by the Drug Enforcement Administration and the National Institute on Drug Abuse, revealed that at least 2,000 overdose deaths from July, 1973 through June, 1975 were caused by methadone. Moreover, during the period July, 1973 through October, 1977, there were 13,244 hospital emergency episodes involving all types of methadone formulations obtained from either legitimate or illicit sources. Although a number of the overdose deaths and the hospital emergency episodes can be attributed to methadone from other sources, diversion from maintenance programs is thought to be the primary source.

The investigations revealed a number of causes for methadone diversion. These included: loose or careless procedures in evaluating, admitting and treating patients; overly generous dispensation of the drug; inadequate recordkeeping and physical security of drug supplies; unqualified or overworked staff; inadequate facilities, etc.

The first hearing, held in Washington, concentrated on Federal efforts to control methadone diversion. The Committee heard from: Mr. Lee Dogoloff, Associate Director, Domestic Policy Staff, the White House; Dr. Michael Baden, Deputy Chief Medical Examiner, New York City; Mr. Julio Martinez, President, Project Return, New York City; Dr. Bernard Bihari, Deputy Commissioner, Office of Substance Abuse Services, New York City; Dr. Vernon Patch, Boston; Mr. Kenneth Durrin, Director of the Office of Compliance and Regulatory Affairs, Drug Enforcement Administration; Dr. J. Richard Krout, Director, Bureau of Drugs, Food and Drug Administration; Mr. Karst Besteman, Deputy Director, National Institute on Drug Abuse; and Dr. Stewart L. Baker, Jr., Associate Director of Alcohol and Drug Dependence, Veterans Administration.

At this hearing witnesses maintained that diversion is uniquely a New York City problem. While the Committee believes the problem is much more widespread, it is true that 40 percent of the Nation's methadone-maintained addicts reside in New York City. To better understand New York's situation and determine how the Federal Government can help alleviate it, the Committee held a hearing in New York. Testifying were:

Mr. William Bonacum, Deputy Commissioner, Division of Criminal Justice Services, New York City.

Police Officer, Dennis Harrington, New York City Police Department.

Mr. Blake Fleetwood, Writer, New York Magazine.

Mr. James Allen, Executive Director, Addict Rehabilitation Center, New York City.

Dr. Robert Newman, Associate General Director for Operations, Beth Israel Medical Center, New York City.

Mr. Francis Natale, Director of Clinical Research, Phoenix House Foundation, New York City.

b. Prevention

Prevention of drug abuse has played, until recently, a secondary role in demand reduction. The Committee noted in its Interim Report a number of serious deficiencies in Federal prevention efforts. To determine what progress the Federal Government has made in fashioning and implementing a viable prevention policy, the Committee held a series of hearings on drug abuse prevention.

Federal Strategy, April 18, 1978

The Members of the Committee believe that this Nation needs a sound Federal strategy for reducing the number of new drug users. The Committee was concerned that the Federal effort is fragmented, that proper evaluation models do not exist and that dissemination of research and program models is poor. In order to clarify the role of the Federal Government, the Committee heard testimony from:

Mr. Lee Dogoloff, Associate Director, Domestic Policy Staff, The White House.

Dr. Gerald Klerman, Director, Alcohol, Drug Abuse and Mental Health Administration, Department of Health, Education, and Welfare.

Dr. Robert DuPont, Director, National Institute on Drug Abuse, Alcohol, Drug Abuse and Mental Health Administration, Department of Health, Education, and Welfare.

Dr. Helen Nowlis, Director, Drug Education, Nutrition and Health Programs of the Bureau of Elementary and Secondary Education of the Office of Education, Department of Health, Education, and Welfare.

The hearing established that ultimate responsiblity for coordination of drug abuse prevention lies in the White House, specifically with the Domestic Policy Staff. Mr. Lee Dogoloff, Associate Director of the Domestic Policy Staff is in charge of the executive branch drug prevention activities.

Secretary Califano has implemented a plan for coordination of drug abuse prevention efforts within HEW. He designated Dr. Gerald Klerman, Director of ADAMHA, and Mr. Daniel Meltzer, an attorney on the Secretary's personal staff, to represent him on all matters dealing with prevention. Their duties include coordinating policy and programs within HEW itself and acting as a liaison between HEW and other Government agencies.

The witnesses all agreed with the Committee that evaluation is an indispensable part of all prevention efforts. NIDA, in particular has given the development of evaluation models high priority. Still, it seemed to the Committee that the Federal Government cannot pinpoint an adequate national prevention strategy.

The Committee raised a question about the effectiveness of the 1978 Drug Abuse Prevention Campaign and the proposed contract for a similar campaign in 1979. As a result of the hearing a new set of evaluation and scoring criteria for the contract were issued by NIDA.

Drug Abuse and the Media, April 20, 1978

This hearing focused on the relationship of the media the Nation's drug abuse problems and the role the media plays in preventing or encouraging drug abuse. The Committee was concerned about network policies for reporting drug law enforcement, treatment and prevention issues and for selecting advertisements, programs and public service announcements. The Committee heard testimony on these subjects from:

Dr. Gerhard Hanneman, Ph. D., Associate Dean of Research, Annenberg School of Communications, University of Southern California.

Mr. Jerome Lansner, Vice-President and General Manager of NAB Code Authority, National Association of Broadcasters.

Mr. William Leonard, Washington Vice-President (CBS–TV).

Mr. Richard Gitter, Vice-President, Broadcast Standards and Practices (ABC–TV).

Mr. Ralph Daniels, Vice-President, Broadcast Standards and Practices (NBC–TV).

In addition, Mr. Edward Pitt, Director, Health and Social Welfare of the National Urban League; Mr. Arnold Wallace, Community

Affairs Director, WCAU–TV, Philadelphia; and Mr. John Riggins, Director, Coordinating Office for Drug and Alcohol Abuse Programs for the City of Philadelphia submitted statements for the record, although they could not testify in person.

While the cumulative effects of the mass media on society are only beginning to be understood, several studies have attempted to determine the impact of television on drug use attitudes and behavior. Within the last 5 years, the media has been absolved of creating or adding to drug abuse through their programing, advertising or news reporting, by two studies. The first was part of the National Commission on Marihuana and Drug Abuse and the second was conducted by a task force from the Federal Communications Commission and the Federal Trade Commission.

The three major television networks and many of the commercial radio stations subscribe to the self-regulating Radio and Television Code which states that "narcotic addiction shall not be presented except as a destructive habit. The use of illegal drugs or the abuse of legal drugs shall not be encouraged or shown as socially acceptable." This code, however, is not enforceable, violators cannot be penalized.

The networks feel they have made significant contributions to the battle against drug abuse through investigative reporting on the illicit drug trade, interviews on daily talk shows with experts in the field of drug abuse and enforcement and through donation of airspace for public service announcements. Other witnesses testified that the network devotes too much time to showing the result of drug addiction and not enough time to airing its root causes. Only rarely do they portray drug addicts as individuals in need of help.

During the Select Committee's April 20, 1978 "Drug Abuse and the Media" hearing, the media panel, consisting of executives from the three commercial networks and NAB, agreed that considerable controversy existed concerning the effectiveness of government sponsored public service announcements on drug abuse. Additional questions were raised on advertising and programing policy as it affects users, potential users, and public opinion.

Congressmen Wolff and Gilman suggested at the hearing, that a significant contribution towards resolving these problems might lie in the formation of a media advisory group to the Select Committee, which would meet regularly to exchange views, suggestions and information, and to make recommendations that would enhance the media's role in dealing with drug abuse issues.

The Select Committee has subsequently sent followup letters to the networks, requesting their thoughts on the formation of such a group, including recommendations for membership, time of suggested meetings, and the specific topics it should address. The Committee has now received responses from all of the networks, and is in the process of assessing the role and type of group that should be formed.

Drug Abuse Prevention in the Private Sector, April 15, 1978

As part of the Committee's continuing examination of drug abuse prevention efforts, this hearing examined private programs designed to prevent drug abuse. The Committee was interested in the success and/or failure rate of private programs, how they operate and how the Federal Government can better disseminate their experiences. The witnesses were:

Mr. Frank Espada, Chairman, National Association of Puerto Rican Drug Abuse Programs.
Mr. Ronald Graham, House of Insight.
Dr. Sheppard G. Kellam, Social Psychiatry Study Center, Department of Psychiatry, University of Chicago.
Dr. Fred Streit, Fred Streit Associates.
Mr. Carl Akins, Director, National Association of State Drug Abuse Program Coordinators.
Dr. A. Mort Casson, Chairman, National Association of State Drug Abuse Program Coordinators, Committee on Prevention.

A major point made at this hearing was the need to link research to training and service, and to make the results easily accessible. The witnesses said they were hindered by NIDA's seemingly random distribution of funds for research and by the fierce competition between research and training programs for limited funds. This hearing brought out once again the lack of focus and disunity in drug abuse prevention efforts.

Prevention in Schools and Among Special Populations, May 16, 1978

Schools are naturally the arena for most prevention programs. The Office of Education, HEW, is the Federal agency most responsible for translating drug abuse prevention ideas into school programs. The needs of special populations are met by a variety of Federal agencies. The witnesses, representing public school systems were: Mr. Arthur Jaffe, Director of the SPARK program in New York City, Mr. Don Samuels, Coordinator of PRIDE in Dade County, Fla., and Dr. Stephen Newman, Director of the Ombudsman program in Charlotte, N.C. These witnesses were asked to discuss the strengths and weaknesses of their programs; their views of what works in prevention and why; evaluation techniques; and the areas in which they need further assistance.

Representing prevention programs for special population groups were: Dr. Carmen Maymi, Coordinator of the Center for Multi-cultural Awareness, a program geared toward the concerns of minority groups in prevention, and Ms. Bunny Stalpes, Director of Elder Education, a program of drug education among the elderly. The Committee was concerned about the effectiveness of these special programs, the nature and extent of their funding, and the evaluation tools used to measure success or failure.

The Office of Education at one time sponsored regional conferences to prepare teachers to respond to the needs and problems of young people which may lead them to alcohol and/or drug abuse. But because of budget cuts such training assistance is now available only to large urban school districts. While the Office of Education collects and sends to all school districts materials on successful prevention models, it is unable to assure the implementation of such models with proper training.

The low level of Federal funding has led many communities to develop and fund their own programs. Success seems to depend on the level of community input and involvement. Many of the programs do not deal specifically with drugs, but instead attempt to improve the student's confidence and awareness. The witnesses felt that with Federal assistance, successful programs could be implemented in school districts throughout the country.

The witnesses outlined a number of different prevention programs which have been successful. The Committee feels that it is up to the Federal Government to disseminate information on these successful programs and help in their introduction on a broader basis elsewhere.

State and City Drug Abuse Prevention Efforts, May 25, 1978

During its oversight activities on demand reduction, the Committee found a number of problems plaguing State and city efforts to prevent drug abuse. These included: The lack of participation of cities in the distribution of funds or the setting of priorities; the States' difficulty in gaining adequate Federal support and direction for their prevention projects; the low level of Federal funding; the lack of input that ethnic minorities have in the development of State plans; the absence of reliable evaluation techniques for present drug programs and poor communication among localities about successful prevention and treatment programs; and possible loopholes in the present funding systems which might allow for mismanagement of drug abuse dollars. The Committee was very concerned with the lack of oversight of programs at the State and city level by any responsible body, even for those programs which are partially or totally funded with Federal dollars.

Witnesses on the first panel represented or worked with State prevention programs: William J. McCord, Director, South Carolina Single-State Agency; Helen Nowlis, Director, Drug Education, Office of Education, HEW; David Schmeling, Program Coordinator, Florida Single-State Agency; and Richard Neuner, Prevention Coordinator, State of Minnesota.

Witnesses on the second panel were drawn from local prevention programs:

David Lewis, Director, National Association for City Drug Coordination.

Irma Strantz, Director, Drug Abuse Program, City of Los Angeles.

Edward Bodanske, Board of Directors, National Association of Prevention Professionals.

Prevention seems far more advanced on the State and local level. Local funding comes mainly from State and local resources. CETA and title 409 Federal Formula grants, NIDA and NIAAA provide little if any, funds. One of the problems which local programs encounter is Federal fragmentation. While many States treat alcohol and drug abuse as one and the same phenomenon, the Federal Government differentiates between them. School programs which form the basis of most local efforts are promoted by a third group, the Office of Education.

The witnesses admitted that they have not been able to develop useful models for evaluating their prevention programs and find it difficult, at times, to justify their existence. The Committee agreed that evaluation was an area that the Federal Government can and should develop further.

4. DRUG ABUSE IN THE MILITARY

One of the most vital aspects of the mandate pursued by the Select Committee on Narcotics Abuse and Control is "to conduct a continuing and comprehensive study and review of the problems of narcotics abuse and control (regarding) drug abuse in the Armed Forces of the United States."

Beginning in July 1976, Chairman Lester Wolff (D–N.Y.) and Congressman Glenn English (D–Okla.) initiated an investigation into this subject that continued for over 19 months and required extensive onsite investigation and culminated with hearings in mid-1978 with the Department of Defense (DOD) and the service branches. The focus of the task force's investigation has been to determine the effectiveness of drug treatment programs, the level of drug abuse and most importantly the impact of drug abuse in the military on the security interests of the United States.

By the time the first hearing into drug abuse in the military was conducted, the Select Committee had identified countless issues that needed to be addressed. Several of the major ones included:

1. The adequacy of the DOD internal management of drug abuse program policy development, implementation, supervision and assessment.
2. The efficacy of the indicators utilized by DOD to: (*a*) identify drug abusers; (*b*) deter drug abuse; (*c*) refer drug abusers for treatment; and (*d*) determine the extent and nature of its drug abuse problem.
3. The cost/effectiveness, cost/benefit and deterrent value of both the commander-directed urinalysis program and the defunct random urinalysis program.
4. Administrative problems with both the commander-directed and random urinalysis programs that may have, in the past, limited their effectiveness.
5. The confusion surrounding a House Appropriations Committee report of late 1976 (94–517) that left the question of the authorization to conduct military unique drug-related research unclear.
6. The apparent lack of emphasis on drug abuse suppression by the DOD in high-risk areas abroad.
7. The security implications of the high number of military personnel in the Nuclear Weapons Personnel Reliability program (PRP) who have been disqualified for drug abuse.
8. The influence of the movement in the civilian sector to decriminalize the possession of small amounts of marihuana for personal use or abuse rates on the military sector (where all illicit drug penalties set forth in Uniform Code of Military Justice have remained unchanged).
9. Problems of localized treatment facilities and overall treatment success and failure.

The Committee is determined to seek a more thorough understanding of the effect that chronic drug abuse has on such key elements as job performance, morale, discipline, and the overall combat readiness of our Armed Forces. It became increasingly evident, as the task force pursued its investigation, that the nature and extent of the drug abuse problem in the military was not concretely identified by DOD. The last extensive self-report survey was conducted by the Arthur D. Little Company in 1974 and was released in 1975. The data appeared dated, and by 1978, of limited use. Therefore, the task force endeavored to design and administer their own smaller scale, nonscientific survey. The tool was designed primarily as a method of obtaining an idea of the problem. It primarily asked for opinions and estimates of drug abuse. The results are included in the record.

It is important to note, however, that throughout the entire investigation and hearings with DOD and the services, the key question is not to what extent are military personnel abusing drugs, but what is the ultimate affect of this activity on the combat readiness of our Armed Forces, and is it a threat to the national security of this Nation?

Following this hearing on policy, the Select Committee held a hearing focusing on each of the individual branches of the armed services.

Department of the Army

On May 24, 1978 the Select Committee turned its attention to the Department of the Army. The focus was the Army's perception of the nature and extent of the drug abuse problem and their efforts to confront and reduce its growth and negative impact. At the present time the highest risk area for drug abuse in the Army is with our troops in Europe. The hearing paid particular attention to the means by which the Department of the Army seeks to ascertain the level of drug abuse at a particular base and then service-wide. The Select Committee concluded that the statistics used by the Army were inadequate to accurately assess the level of the problem and the impact it is having on combat readiness.

Department of the Air Force

On June 2, 1978, the Select Committee on Narcotics Abuse and Control held a hearing with the representatives of the Air Force. The hearing examined the following major issues: (1) assessment of the effectiveness and reliability of those identification tools utilized by the Air Force to monitor and evaluate its drug problem with particular emphasis on the benefits of commander-directed urinalysis as compared to the defunct random program, (2) Air Force's lenient marihuana policy, (3) Air Force reaction to the DOD Drug Abuse Assessment Group Report, and (4) efficacy of the Military Customs Inspection program.

Testifying before the Committee were:

> Lt. Gen. Benjamin L. Davis, Deputy Chief of Staff, U.S. Air Force; accompanied by Col. John R. Rogers and Maj. Frederick M. Bell.

Prior to the Air Force hearing, the task force had the general impression that no service could state with confidence that it had a reliable handle on either identification of abusers or assessment of the impact of the problem. Following the hearing, the Select Committee concluded that the Air Force's lenient policy on first-time marihuana offenders places them at odds with the other services and Department of Defense. In fact, the DOD attributes a significant upswing in cannabis use in Europe in the Army and Air Force because service members do not understand the difference between decriminalization and legalization of marihuana nor do they always understand that decriminalization in the civil sector in no way affects their use of marihuana in the military.

The quality of the Air Force Customs Inspection program is questionable. The fact that seizures are rarely made makes its deterrent value somewhat doubtful.

The Air Force as well as the other services continues to oppose the reinstitution of random urinalysis.

Department of the Navy/Marines

The final service-oriented hearing on the program of the Navy and Marine Corps was held on June 16, 1978. The Navy witnesses focused upon their estimates of the level of drug usage among their personnel and the means by which these figures were established. The Navy problem is dependent on the location of Navy personnel in that the Navy passes through numerous high-risk areas like Guam, Thailand, Pakistan. The Navy relies on the Arthur D. Little, Inc., study for an assessment level, as well as portable urinalysis hits which they use to test for a wide range of substances. The Navy relies on a number of law enforcement-related means for gathering further information on drug usage levels.

As a focus for prevention, the Navy has instituted a wide-ranging education program for all Navy personnel and makes this available to dependents. In conclusion, the Navy witness, Captain Winchester, sees the drug abuse problem in the Navy as part of an overall societal problem. To combat drug abuse, the Navy, in addition to its treatment, enforcement, and prevention programs, strives to offer broader alternatives to drug use to Naval personnel and to assist their recruits in developing philosophies of life that support and encourage nonuse of drugs. To quote Captain Winchester: "Drug abuse must be made less glamorous, less acceptable among the ages 17 through 25 peer group, and less available, if the services are to be successful in eradicating this debilitating problem."

The witnesses representing the Marine Corps summarized their philosophy as an emphasis on "education and identification so that the illegal use of drugs can be controlled and prevented." The Marines feel that they have been able to achieve a reduction in the number of personnel involved with hard drugs.

At the end of this hearing the Select Committee concluded that the Navy and Marine Corps appear to have a problem in accurately assessing its drug abuse problem. Drug abuse among the military continues to be a significant problem, especially in high-risk areas where drugs are particularly accessible and in the case of marihuana in decriminalized States like California whose laws seem to condone marihuana use and where military and civilian laws are at such odds. The Navy and Marine Corps seem to be making significant progress in their drug treatment programs, both in effectiveness of these programs and in their scope. However, treatment programs for dependents of military personnel appear to be somewhat limited. Current law enforcement capabilities appear to be inadequate to act as a deterrent to drug abuse. Drug abuse constitutes a significant drain on the services both in human and in dollar terms. The effect of drug abuse upon combat readiness is difficult to determine. However, common sense seems to dictate that its effect would be substantial and dangerous in those highly sensitive and highly trained areas having to do with our nuclear capability.

On July 27, the Select Committee held the final hearing in this series on Drug Abuse in the Military with testimony received from the Deputy Secretary of Defense Charles W. Duncan, Jr. At this hearing the DOD presented a new 12-point plan for detecting, measuring, treating, and evaluating the entire drug abuse problem.

The most recent impetus for the DOD initiatives came from President Carter, who in a June 20 meeting with Chairman Lester Wolff and Congressman Glenn English, promised to convey to Secretary of Defense Harold Brown the Committee's perceptions of this issue. He also guaranteed a response by the Department within 30 days. The President further demonstrated his concern when he discussed drug abuse by U.S. servicemen in West Germany with Chancellor Helmut Schmidt.

What evolved from the Committee's investigation, the President's direction, and DOD's efforts is the following 12-point program, as presented by Deputy Secretary Duncan. The Select Committee's findings from the year-long investigation are placed opposite the DOD initiatives.

COMMITTEE FINDINGS	DOD RESPONSE
The Committee's original survey of 2,350 military personnel worldwide found a more serious drug problem than DOD was aware of . . . DOD's efforts to acquire an index of the drug problem have been subject to base-level, regional, or agency level bias.	DOD will design and administer a comprehensive personnel survey which will inquire into the frequency of drug use; the types of drugs used; the circumstances of drug use; the reasons for taking drugs, etc. They will also engage the help of the Center for Disease Control's Epidemiological Intelligence Service in assessing the extent and location of drug problems.
The Committee found that DOD's Office of Drug and Alcohol Abuse Prevention has not completed the task of standardizing reporting procedures for the existing identification techniques—medical referral, commander-directed urinalysis and self-referral.	DOD will redesign its drug reporting system to allow for more uniform, and more ready access to, trend data. The Office of Health Affairs will examine the possibilities of adopting the detection/reporting procedures of DEA's Drug Abuse Warning Network (DAWN).

COMMITTEE FINDINGS	DOD RESPONSE
The Committee has expressed concern about targeting treatment resources to high-risk areas.	The Department is accelerating testing of portable urinalysis equipment.
The Committee has commented on the lack of a uniform perception of the drug problem at all levels.	DOD will reemphasize to command and medical personnel the significance of curtailing drug abuse. The OSD Drug Abuse Office, along with relevant Service staffs, will visit all major commands this summer. Secretary Duncan will personally review drug programs when he visits Germany in September. All major commands will institute mandatory seminars on drug abuse and detection for Service members and their families.
The Committee has questioned DOD on the adequacy of treatment for dependents.	DOD has acknowledged that their policy of making drug treatment available to dependents on a space-available basis—after active military and civilian employees have been considered—may not be adequate. Within the next 60 days, the Health Affairs and Manpower staffs working with the military departments will identify ways to get as accurate a measurement as possible of the extent of drug abuse by dependents and to assess how existing programs are responding.
The Committee has been concerned with the legal problems military enforcement agencies face in determining proper jurisdictional rights over civilians arrested on military installations for drug law violations and military personnel arrested off-base by local, State, and Federal police. The Committee has identified a number of major interagency enforcement problems.	DOD has acknowledged that th law enforcement aspect of mili tary drug abuse control has no been given the prominence it de serves. As a result, they hav established a task force to revie investigative procedures, crim inal intelligence, interdictio techniques, and staffing levels t determine whether and whe DOD needs more and differe types of law enforcement pe

COMMITTEE FINDINGS	DOD RESPONSE
	sonnel. DOD will also look into the investigative and prosecutive follow-through in the U.S. of arrests of civilians made on military installations. The task force will determine what happens to civilians apprehended for drug trafficking on these installations.
The Committee has been concerned with the increasing use of drugs by American troops in Europe, particularly in Germany where U.S. presence is a sensitive political issue . . . We are concerned with the impact of this drug abuse on combat readiness . . . A survey of the Berlin Brigade, an elite U.S. fighting force, found that over 8 percent of these troops use hard drugs—which are readily available. Brig. Gen. John Johns has reported to the Committee that 40 percent of U.S. Army Europe troops use marihuana or hashish . . . All of the heroin used by U.S. military personnel in West Berlin and more than 65 percent of the heroin used by servicemen in West Germany is delivered with the passive cooperation of the East German government. In 1977, approximately 1,110 pounds of heroin passed through East Berlin to West Berlin and an estimated 6,000 pounds went through East Germany to West Germany.	In order to coordinate and enhance anti-drug efforts in West Berlin, DOD has established a Berlin Task Force which will also be composed of personnel from DEA, the German police, and the Allied Forces Police. The Department has already supplied this force with additional resources and will be providing it with top management support.
The Committee has determined that the Department did not have a clear indication of the impact of drug abuse on combat readiness.	The Department of the Army will conduct specific studies on combat readiness . . . DOD will analyze and "synthesize" the existing research on the consequences and hazards of drug abuse.

COMMITTEE FINDINGS	DOD RESPONSE
The Committee has determined that the internal management of ODAAP is inadequate to develop, supervise, and evaluate new drug programs within the military services.	DOD has taken steps to remedy the deficiencies in evaluation. An additional professional in the Health Affairs Office will work full-time on program evaluation. Furthermore, the Health Affairs staff will work with the Services and with Federal agencies and law enforcement organizations to develop and test practical evaluation criteria.
The Committee has criticized the priority given drug abuse in the new administration.	Secretary Brown has forwarded to the White House a recommendation for a physician to assume the position of Assistant Secretary of Defense for Health Affairs . . . Gen. John Johns has been appointed as the Special Assistant for Drug Abuse to the Assistant Secretary of Defense for Health Affairs . . . Additional expertise in this area will be provided through the advice of three experts in drug abuse who will be retained by DOD to advise Secretary Brown and Deputy Secretary Duncan on the progress and prospects of their drug programs.

Investigative Trip to Germany

On November 10, 1978 the task force on Drug Abuse in the Military departed for a 2-week investigative mission to Germany. The study mission included site visits to military installations in or near Berlin, Frankfurt, Stuttgart and Heidelberg and culminated with 2 days of hearings at Patch Barracks, Headquarters U.S. European Command, Stuttgart, Germany on November 20 and 22, 1978.

The task force had uncovered during the course of their year long investigation that Germany, in drug abuse terms, was an extremely high-risk environment for U.S. military personnel. Because of the importance of the mission fulfilled by U.S. soldiers in Germany, the Select Committee designed their activities to ascertain as much information as possible about the level of drug abuse among the soldiers and the adequacy of identification and treatment programs.

In addition, the specific objectives of the mission were:

(1) To examine the Federal Republic of Germany's response to the heroin availability crisis. To determine how law

enforcement resources are being utilized to infiltrate the loosely organized Turkish trafficking network.

(2) To determine how the presence of U.S. military troops are affecting market demand. To assess how the high availability, and low price/purity index are impacting on usage rates.

(3) To determine how DOD and the Army are progressing in carrying out the relevant points of the 12-point initiative.

(4) To assess current command attitude with respect to efficient utilization of identification and treatment programs (including those for dependents) within the entire framework of the military environment in Germany.

(5) To assess enlisted personnel attitudes regarding the efficacy of Army treatment and prevention program efforts. Further, to address enlisted personnel perceptions of the sociological/economic concerns of the Germany environment as they promote or foster drug abusing behavior.

(6) To assess the efficacy of DEA/Army CID cooperation and intelligence to regulate and monitor any trafficking and transportation patterns into locations where U.S. military personnel are stationed.

(7) Examine State Department efforts to bring about improved international cooperation in supply reduction efforts. Specific attention will be focused on recent efforts to encourage the GDR to strengthen its own border inspection controls, and Customs controls at Shoenfeld Airport (GDR).

A detailed report on the findings from the investigation are included in the Drug Abuse in the Military report which will be released in January 1979. However, upon conclusion of the hearings, the task force and General George Blanchard, Commander U.S. Army Europe, issued a statement outlining eight major points of agreement pertaining to the task force's findings.

(1) The Army is ready to fight and perform its mission, but the command and the Committee agree that there is a drug abuse problem of great concern within USAREUR which will require immediate action to contain. Both the Committee and the military leadership will propose numerous recommendations within the next few months in an effort to more adequately deal with the drug problem.

(2) There are a number of reliable tools (surveys, etc.) used to indicate the extent of drug abuse problems, many of which are not utilized in any other segment of American society. While individually imperfect, in combination they are valid, generally indicating the extent of the problem.

(3) There is a need to increase the professional capabilities and quality of the Army investigative, law enforcement, treatment, and rehabilitation programs.

(4) The two most important factors to be examined in the forecasting of levels of drug abuse are supply and price. These factors must be carefully reviewed in areas of significant concern.

(5) One point of unanimous agreement from the highest levels of command to the lowest enlisted personnel and the

Committee is that inadequate facilities (recreational, living, etc.) within USAREUR contribute to the drug problem.

(6) The values and attitudes of American society toward drug abuse are reflected within USAREUR and the effect of those values are exacerbated by environmental conditions such as availability, price, and living conditions.

(7) Substantial progress in reduction of USAREUR drug abuse problems will be most difficult without increased effectiveness of international supply suppression. This will only be accomplished through cooperation between the Government of the United States and the FRG, as well as the cooperative efforts of other governments on the European continent and elsewhere.

(8) A shortened tour of duty for the first-term unaccompanied soldier will help in resolving the drug problem.

5. HAWAII-GUAM-THAILAND-HONG KONG STUDY MISSION

In late June and early July 1978, members of the Select Committee on Narcotics Abuse and Control conducted hearings in Hawaii and Guam in order to determine the frequency of their use as drug trafficking routes and to ascertain the effectiveness of Federal law enforcement in combating the drug trade in these areas. Following these hearings, the Committee embarked on a study mission to Thailand, Hong Kong, and Macau. The purpose of the trip was to stay informed of the constantly shifting trafficking patterns from the Golden Triangle and to uncover areas where Federal efforts are needed.

For approximately 12 months, Representative Akaka of Hawaii and Delegate Won Pat from Guam urged members of the Select Committee to look at the disintegrating situation in Guam and Hawaii resulting from their roles as transshipment sites for heroin from Southeast Asia destined for the continental United States. During the Select Committee's hearings conducted at the Hawaii State Capitol, law enforcement officials generally agreed that their largest obstacle to successful narcotics interdiction is the volume of cargo and passengers passing through the ports and airports of Hawaii. The DEA has been able to identify four major syndicates of different ethnic origins involved in narcotics smuggling in and through Hawaii. These syndicates are involved not only in the importation of drugs to Hawaii, but also the export of narcotics to various ports of the continental United States. Law enforcement authorities are also concerned with the export of locally grown marihuana. The Select Committee also looked at the local demand reduction programs, including the various treatment programs which receive funds from the National Institute on Drug Abuse.

As a direct result of the Select Committee's hearings in Hawaii where an emphasis was placed on local cooperation and self-help, a large scale marihuana eradication drive has taken place throughout the State. This project has been called "Operation Green Harvest" and involves all four county police forces working in conjunction with the Coast Guard, DEA, Customs, and the Alcohol, Tobacco, and Firearms Unit of the U.S. Treasury.

In Hawaii County (the Big Island), 6 tons of marihuana plants were uprooted having a value of $2.4 million. In addition, 8 firearms were seized and 6 individuals were arrested. Working in conjunction with local police, the Coast Guard boarded and searched 37 vessels. One boat was actually confiscated by the Coast Guard after a man on board was observed throwing marihuana into the sea. Three helicopters were involved in the Big Island operation—one from Hawaii County, one from Honolulu Police Department, and one from the Coast Guard. This joint project reflects the high degree of Federal-State cooperation in Hawaii which is lacking in many other areas of the country.

The Select Committee has issued a report on this trip which includes specific recommendations about how to improve supply and demand reduction efforts in Hawaii. These recommendations have been referred either to the standing committees with appropriate legislative jurisdiction or to the executive agencies when direct action is what is required. To improve law enforcement, the Select Committee task force recommends:

1. An American national marihuana eradication program should be devised to assist local areas who are faced with the problem of marihuana growth and sale. This program should provide personnel and material so as to make eradication effective.
2. Local police departments should receive funding assistance from the Federal Government to be able to make large buys in order to penetrate levels above the street pusher.
3. Airline officials in Hawaii should meet regularly with law enforcement authorities to discuss rescheduling of flights originating in foreign countries. Arrivals at HIA should be spread out during the entire 24-hour day so as to avoid the the present crush on Customs and Immigration officers.
4. An immediate study should be undertaken to devise a method to separate domestic and international travelers at HIA.
5. Agriculture inspectors at Hawaii's airports should receive training in drug detection and should be utilized in stopping marihuana traffic.
6. Small sea vessels which arrive in Hawaii should have to report immediately to the port of entry for Customs examination, under penalty of license revocation, and other sanctions.
7. Additional Customs personnel should be assigned to HIA to cope with as many as 2,000 people who arrive during 1 hour. Additional dog teams are required to cover the major ports, as well as the international airport in Hilo.
8. Emphasis should be placed on obtaining more intelligence information from source countries so that the courier traffic may be affected.
9. The Federal Government should give special assistance to those attempting to improve prevention treatment and rehabilitation efforts, as to enhance supply reduction efforts.

The Select Committee task force has recommended that to improve demand reduction programs:

1. Private programs should be able to apply for funds directly from NIDA. In its application, goals should be established. At the conclusion of the funding period, an independent auditor should determine if the objectives have been met and funds spent properly. This will eliminate a great deal of redtape and will provide more funds for actual treatment rather than for clerical help.
2. NIDA should provide emergency funding for any treatment program which has a waiting list for those requesting methadone maintenance.
3. The Federal Government should give the States more flexibility in deciding the areas to funnel their funding. Each State should be able to decide how much money to put in prevention, education, treatment, and rehabilitation.
4. All States should have input in any National drug abuse campaign.
5. Vocational training should be made a part of all residential treatment programs.

In Guam, the site of 2 days of hearings, the members of the Select Committee found a veritable drug crisis. Not only have the number of drug emergencies and drug overdoses increased dramatically but the property crime rate has also skyrocketed in the last 4 years.

The testimony received and onsite visits made by the members of the Committee documented the conclusions drawn by the Territorial Crime Commission in their 1977 report:

> "First. There is a lack of clear, coordinated, and consistent public policy relative to drug abuse."
>
> "Second. There is a lack of a uniform and accurate ongoing data collection for law enforcement and criminal justice agencies."
>
> "Third. There is a lack of sufficient and properly trained personnel for law enforcement and other criminal justice agencies."
>
> "Fourth. There is a need for advanced training in evidence gathering/handling for law enforcement personnel."

In short, the Guamanians have neither the manpower nor the resources to stem the flow of narcotics to and through Guam.

To combat the deplorable situation in Guam, the Select Committee task force recommended that:

1. U.S. Customs study the feasibility of replacing Guamanian Customs with U.S. Customs personnel.
2. The U.S. Bureau of Prisons through the National Institute of Corrections provide technical assistance to the Guam Penitentiary.
3. LEAA, upon receipt of a proper application from Guam, consider financial assistance in the construction of a new prison.
4. The U.S. Postal Service place a postal inspector on Guam to give greater attention to the possibility of the mails being used as a method of smuggling.

5. NIDA, upon receipt of a proper application from Guam, provide necessary treatment slots and technical assistance in all areas of drug rehabilitation, education and prevention.

Following the hearings in Guam, three Members of the Select Committee, led by Representative James R. Mann, went a step closer to the source and visited Thailand. The numerous meetings, briefings and onsite visits in Thailand centered on Thai domestic production and control efforts, trafficking routes, crop substitution, and relations with Burma. The members were very impressed with the management of the enforcement effort by the Police Narcotics Suppression Center and the Narcotic Control Board. The Thai have placed increased pressure on the trafficking organizations which has led to new routes from Burma to Malaysia and from Burma through Laos or India and on international markets.

The Thai have been seizing more narcotics this year than last but are having a very difficult time maintaining the helicopters and boats which were provided by the United States for the enforcement program. The other major advancement in terms of enforcement relies on greater cooperation with the Burmese. Unfortunately, the Burmese are unable to make much progress because they do not control politically or administratively the areas where most of the opium is produced.

The delegation was honored to have an extended meeting with Prime Minister Kriangsak who reaffirmed the Thai's commitment to narcotics control programs. The prime minister discussed the possibilities of long-term success in narcotics matters via crop substitution projects like the one the Committee visited in the highlands. The project in Chiang Khien involves two Meo villages which formerly cultivated opium and now raise coffee, kidney beans and rice. The Thais hope to bring in canning and packaging facilities, and by expanding the crop substitution pilot program to other villages virtually eliminate the cultivation of opium in northern Thailand. This project was initially funded by UNFDAC, but has recently received some funding from the Thai.

The next stop on the Committee study mission was in the British Crown Colony of Hong Kong which had last been visited by the staff of the Committee in April 1977. Since the last visit, the Hong Kong government has greatly expanded its demand reduction efforts. Included is the NIDA-funded research of one physician administering electronic acupuncture. The Committee was able to view the administration of this form of acupuncture to an individual who otherwise would have been in the throes of heroin withdrawal. Another component of the demand reduction effort is the computerized central addict registry which is used in connection with the administration of methadone to 30,000 clients at any one time.

On the supply reduction side, Hong Kong enforcement efforts have reduced the availability of Hong Kong as a transshipment site for large quantities of heroin, although it is felt that major financiers still utilize the banking system to both underwrite the trade and also launder the tremendous profits.

Before returning to the United States, the Committee visited the Portuguese Colony of Macau. The Commander of the Macau Security Police estimated there are 1800 heroin addicts, about 40 percent of whom smoke heroin while the remainder inject heroin intravenously.

The Macau government has recently begun to maintain statistics on their efforts to rehabilitate drug abusers and it is hard to draw firm conclusions about their long-term effectiveness. The Committee has referred the request from the Macau authorities for assistance in law enforcement and treatment matters to the Department of State for review.

At the end of the visit to Hawaii, Guam, Thailand, Hong Kong and Macau, the task force concluded:

> The lure of demand for hard drugs in the United States continues to provide enormous profit opportunities for traffickers. As the eradication program in Mexico progresses, attention must be paid to Southeast Asia and the Middle East. The traffickers are most ingenious in selecting new routes and new sources of supply. The U.S. Government, in cooperation with its friends abroad, must be equally vigilant in identifying new routes and new sources.

6. DRUG ABUSE IN NEW YORK CITY SCHOOLS

On August 30 and 31 and September 1, 1978, the Committee held hearings on drug abuse in the New York City public schools. The hearings culminated a year-long staff investigation on drug use and its ramifications within major metropolitan school systems. The Committee held the hearings in New York City because New York has the highest incidence of drug abuse in the United States.

Our investigation showed that student drug use is growing. The major substances of abuse are marihuana, alcohol, pills—both stimulants and depressants, cocaine and hallucinogens. Heroin use is not terribly widespread but PCP (angel dust) is rapidly gaining in popularity, probably ranking in frequency of use right after marihuana and alcohol.

At its hearings, the Committee sought to determine: (1) the extent of drug abuse in New York City schools; (2) the relationship of drug use to increasing rates of absenteeism, vandalism, and dropouts; and (3) the effectiveness of prevention, education, and intervention programing in New York City.

The Committee learned that, as of December 1977, an average of 200,000 students (out of a total 1,099,044) were absent daily. Of this number approximately 80,000 were considered "hard-core" truants—absent at least 50 days per school year. This high level of absenteeism is financially debilitating. New York City loses $4 per day in Federal/State aid for each absent student. With a daily rate of 200,000 absentees, the city forfeits $4 million a week in desperately needed Federal/State money.

Security in the schools is inadequate. Many of the security personnel are actually incapable of handling any physical situation that might arise. Many security personnel are hired because of ties to school board members, rather than job skills.

The Committee was particularly disturbed by the low funding levels of prevention and treatment programing throughout the New York City school system and the absence of any evaluation models for existing programs. There is no standard city-wide drug abuse prevention or treatment programs. Accordingly, each of the 32 districts, on its own initiative, develops a program which is approved by the district school board. There is no Federal funding for such programs at this time and State funding has been cut from $18.5 million to $12.5 million. The Committee's investigations in 1977 showed that less than 50 percent of the students in grades 7–12 had ever participated in a school-based drug abuse prevention program.

The Committee realizes that drug use problems in the schools are not just a New York City phenomenon. Drug overdoses kill 4,000–5,000 of our young people a year. By holding hearings in New York, where the problems seem magnified, the Committee hoped to raise public consciousness and to encourage local, State, and Federal Governments to adopt a more cohesive drug prevention and treatment program.

The Committee invited members of the New York delegation to participate in the hearings. The Committee issued a report on the Committee investigations and on the hearings and recommended specific Federal and local action to improve prevention programing.

7. PSYCHOTROPIC DRUG ABUSE

On August 10, 1978, the Committee held a hearing on the advertising and detailing of psychotropic drugs. The Committee heard testimony that suggested that the marketing practices of the major psychotropic drug firms have had a substantial impact on the prescribing habits of some physicians. The testimony also indicated that physicians may be overprescribing some categories of psychotropic drugs, particularly minor tranquilizers. There arose serious questions concerning whether many physicians are sufficiently trained in pharmacology to warn patients on side effects, and use with other drugs or with alcohol.

On September 19, 1978, the Committee invited the American Medical Association and other experts in the field to discuss the psychotropic drug prescribing patterns of physicians. The testimony indicated that the AMA appears to lack the capability to oversee physician prescribing behavior. The expert witnesses recommended means to monitor and manage psychotropic drug prescribing such as the use of a computerized drug utilization review. The Committee, issued a report, which recommended administrative and legislative changes which would impose rational limits on the manufacture and overprescription of psychoactive drugs. The recommendations apply to both the pharmaceutical industry and the AMA.

The specific recommendations are:

1. The Congress must continue to encourage the AMA to establish a committee within the organization to provide effective oversight of the prescribing practices of physicians.
2. The Congress should enact legislation to impose a nominal tax on the manufacture of psychoactive substances with the revenue so raised to support an extensive education and prevention program.
3. Congress should encourage the pharmaceutical industry to develop and implement programs of drug education for physicians and consumers. There should be a particular em-

phasis placed on special population groups, women, elderly, youth, and minorities.

4. Congress should encourage the pharmaceutical industry to develop education and training standards for detailmen. This training should include a definite number of hours in clinical pharmacology, drug chemistry, human anatomy, and ethical sales procedures.

5. The FDA has been reluctant to intrude upon the doctor-patient relationship. In the case of methadone, however, it was determined that the absence of tight control of the distribution of the drug would constitute a threat to the public health. Accordingly, FDA requires a special license be issued to any individual or organization dispensing methadone. It is the recommendation of the Select Committee that similar licensing requirements be required for the outpatient distributor of amphetamines and short-acting barbiturates (barbiturate hypnotics).

6. An advisory council of eminent psychopharmacologists, physicians, and pharmacists should be established by the FDA. The council shall set an upper limit on the dosage units of various psychotropic drugs that may be dispensed to an outpatient at any one time. These limits shall then be incorporated into the law.

7. Testimony revealed a small minority of patients who doctor and/or pharmacy shop, that is they may receive multiple prescriptions from several physicians and have them filled at several different pharmacies. One answer to this type of diversion is drug utilization review. This could be accomplished through terminals in all pharmacies linked to a central computer file. We recommend that the feasibility of such a system be explored and perhaps pilot tested. The Committee recommends that NIDA make funds available for the appropriate research.

8. THE ABUSE OF PCP

On August 8, 1978 the Select Committee held a one day hearing on PCP—phencyclidine—abuse. The use of PCP has spread from urban to rural areas across the Nation during the past 4 years. PCP is the most life and health threatening drug to hit the streets in some time. Its abuse resulted in more than 4,000 hospital room emergency visits and more than 100 deaths during the last year. Because of the danger which PCP abuse presents to society, the Select Committee has sought to publicize the horrors associated with PCP abuse. On one occasion, the chief counsel wrote to a U.S. attorney in New York to provide him with information which could be used to inform a judge about the seriousness of PCP abuse and the need for harsh sentences.

U.S. House of Representatives,
Select Committee on Narcotics Abuse and Control,
Washington, D.C. November 2, 1978.

Mr. Richard Lawler,
U.S. Attorneys Office,
Southern District, New York,
New York, N.Y.

Dear Mr. Lawler: This letter is in response to your request for seminal material on user health and the economics of PCP to be presented to a Federal judge in connection with sentencing. I am pleased to furnish the following:

Let me begin by stating categorically that I believe phencyclidine (PCP) to be more dangerous to our youth than any other drug of abuse, including heroin and LSD. In the period between May 1976 and April 1977, the Drug Abuse Warning Network (Project DAWN) collected data from 24 Standard Metropolitan Statistical Areas throughout the United States and reported 4,100 emergency room visits and 100 deaths resulting from PCP alone or in combination with other drugs. The average age of first use in 1976 was 19, but, by March of 1977, the average age of first use had dropped to 14. Last year (1977), the National Youth Polydrug Study conducted under the auspices of the National Institute on Drug Abuse found that one-third of the youngsters in drug abuse programs had used PCP. The Drug Enforcement Administration has stated that in the last four years PCP has become a major drug of abuse, overtaking LSD as the "big" hallucinogen on the street. Federal officials estimate that nearly seven million people, most between the ages of 12 and 25, have tried PCP.

Reactions to PCP are totally unpredictable. According to sworn testimony before our Committee by Frank E. Minyard, Coroner of New Orleans, psychotic reactions to PCP mimic the symptoms of paranoid schizophrenia with hallucinatory voices, and combative or self-destructive impulses. The drug can also give users a distorted sense of their own bodies; people feel their arms or legs growing or shriveling. Users may suffer from slurred speech, inability to walk, jerky eye movements, and grimacing. Acute toxic reactions can last up to a week after a single dose. Taken in larger doses, PCP can induce seizures, coma, and death. Its unpredictability makes caution and moderation impossible.

PCP users engage in significantly more self-destructive behavior in the form of overdoses and suicide attempts than users of other drugs. Even in low doses, PCP has been found to intensify and aggravate preexisting overt or latent psychotic tendencies. While LSD, mescaline, and psilocybin are true hallucinogens, and produce a consistent hallucinogenic high, PCP produces a series of drastically different responses at various levels. Acts of spontaneous irrational rage are far more common among PCP users than among users of other drugs.

Some 20 percent of the reported deaths due to the drug are directly caused by overdose. But the vast majority of PCP-related deaths stem from the drug's behavioral effects. Most accidents occur when users try to engage in normal activities such as driving and swimming while coordination and perception are distorted. These accidents are rarely attributed to PCP. Emergency room personnel and coroners, unaware of the effects and extensive use of PCP, often fail to conduct tests to establish its presence in suspicious homicides, suicides, and accidents.

What draws people to a drug that seems to lack any redeeming social value, even to the drug-wise pioneers of the Haight-Ashbury? Foremost, it is cheap. It offers the biggest kick for the least amount of money. Secondly, it is versatile in administration: it can be taken orally, intranassally, intraveneously, intramuscularly, or smoked. Third, it is powerful in small doses and is easy to traffic. But primarily, people use PCP for the same reasons they use other drugs: to get high, relieve boredom, escape, fantasize, to feel powerful, to make some kind of spiritual connection, or simply because it is there and everyone else is doing it.

Most official reports of drug use in the past have lumped PCP with other hallucinogens, making trend detection from such services difficult. Moreover, the patient admitted for emergency treatment based on PCP-induced bizarre behavior is more likely to be diagnosed as acutely schizophrenic than as having a toxic drug reaction. Nevertheless, there are a number of converging lines of evidence suggesting increased use.

In 1977, the National Institute on Drug Abuse conducted a national poll of young people between 12 and 17 and found that some 753,000 of them, or 6 percent of the total testing population, have used PCP. The figure in 1976 was only 3 percent. Among young adults aged 18 to 25, 14 percent of the testing population reported having used PCP, representing a 40 percent increase over the previous year.

The cost per pound to the dealer is on the order of $150 per pound, or $135,000 for 900 pounds. The ease and low cost involved in the creation of PCP makes it an attractive venture for dealers. (All PCP sold illicitly is the result of street labs and not diversion from legitimate manufacture.) With basic college chemistry and some very basic laboratory equipment, an amateur "cook" can turn a $500 investment for starting materials into a profit of nearly $150,000 in street sales. In a California drug raid in December 1977, the Drug Enforcement Administration working with local law enforcement officials seized upwards of 900 pounds of the drug worth over $50 million on the street from a single illicit operation. This greed motive serves to procreate labs. Los Angeles Sheriff's deputies closed three illegal labs making PCP in 1975. By 1977, 500 labs had been closed—and these are just the ones that were caught.

There are at least four layers to the PCP distribution system in the schools, beginning with the "factories," illicit chemical laboratories just discussed which synthesize it by the pound. Next are the major dealers who purchase the crystal by the ounce. They sell it by the gram to intermediate dealers who are the connections to the street dealers. The street dealers usually buy the crystal already rolled into homemade joints. Students in local schools sometimes pool their money, buy a joint for $5 to $10, smoke it before school, during recess, or during their lunch break, and then are high for an indeterminate period.

Intermediate dealers buy PCP for $65 to $70 a gram, getting 25 joints to a gram. This represents about a 230 percent mark-up, and it is causing even some heroin dealers and organized crime to get into the PCP business. (Narcotics Control Digest, Volume 8, No. 2, discusses the advent of organized crime into PCP.)

Other criminal activity is also associated with PCP use. For example, in December 1976, burglary and narcotics detectives in California teamed up to smash a suspected dope-for-stolen property operation. Property taken in burglaries was being sold or traded for narcotics, including PCP. According to some officials, the severity of crime has definitely increased with the use of PCP. In burglaries, for example, strange and erratic behavior is exhibited. Users go to greater extremes when high on PCP. They do not just rip something off; they destroy the home or threaten to kill someone. Cases of murder and self-destruction while on PCP with no conscious after-memory have been documented.

Let me say again that I believe there to be no more dangerous drug on the street than PCP. Proliferation of street labs and the resulting selling of the drug to vulnerable, often pre-teen children, make it imperative that convicted manufacturers and dealers of PCP be dealt with in the sternest of terms including long jail sentences and heavy fines.

In summary, the evidence before the Select Committee establishes beyond any reasonable doubt that, (1) from the health standpoint PCP is clearly the most dangerous drug in use today and (2) from the economic standpoint it provides dealers with unconscionable profits which are untaxed and form the foundation of continuing criminal enterprises. If our judiciary fails to understand these uncontrovertible facts, it will result in the most chaotic situation for the criminal justice system.

If I may be of any further assistance, please let me know.

Sincerely,

JOSEPH L. NELLIS,
Chief Counsel.

In its report on PCP, the Select Committee explained the possible means, both legislative and administrative, for controlling the abuse of PCP. Following the hearing the Committee met at the White House with representatives of the House and Senate Committees responsible for legislative initiatives which concern PCP. As a result of the hearings and at the prompting of further contacts between the Committee and the White House, the executive task force on PCP designed the "Federal Response to the PCP Problem." The full program is reprinted below, and the implementation will continue to be monitored by the Select Committee.

FEDERAL RESPONSE TO THE PCP PROBLEM

It is estimated that more than 7 million people in the United States have tried phencyclidine—PCP—a drug that was associated with at least 100 deaths and over 4,000 emergency room visits in 1977. Perhaps the most troubling aspect of these figures is that they represent dramatic increases over the past few years, particularly among youths between 12 and 17.

Some other facts on PCP:

—A survey of adolescents enrolled in drug abuse treatment programs shows that PCP is used more often than inhalants, sedatives, and cocaine.

—Females are as likely to have tried it as males.

—PCP use among youth was typically part of a multidrug abuse pattern.

—Over the last 2 years more people are experiencing problems as a result of PCP.

PCP is legally manufactured as a tranquilizer and general anesthetic for use in primates. Because of its unpredictable side effects, it is not approved for use in humans. Illicit PCP is manufactured in clandestine laboratories from readily available chemicals having a variety of legitimate applications. It appears in both tablet and powder form, has no odor and can vary in color. Although PCP can be swallowed and snorted, it is usually sprinkled on marihuana or parsley and smoked.

Phencyclidine has the street reputation of a "bad" drug and many, after using it once avoid it. Given all the reports of the negative consequences of PCP use, the continued high level of abuse has been baffling. In trying to understand this, it has been learned that although users universally report some unpleasant aspects of PCP, a number tell of positive experiences as well. The extreme negative effects do not occur with every use, and are unpredictable. This is a very dangerous situation, in which a young person could use PCP or see his friends use it with some degree of satisfaction and only minor negative consequences. He could then be lulled into believing that the drug was not dangerous, only to be affected severely himself at some unknown and unforeseeable future date. Therefore, it is necessary to inform the public accurately of these dangers, discourage use and reduce availability.

Moderate use of phencyclidine produces a number of reactions. Users frequently feel a sense of depersonalization—a sense of distance and estrangement from surroundings. Time and body movements are distorted. Muscle coordination worsens. Auditory hallucinations may occur, and feelings of impending doom or death may come and go. Touch and pain sensations are dulled. Bizarre behavior, such as nudity in public and barking while crawling on the floor, has been reported. Feelings of strength, power, and invulnerability, which sometimes lead to violence, have also been noted.

Chronic users of PCP report persistent memory problems and speech difficulties, as well as mood disorders. Paranoid and violent behavior often appear in later stages of chronic use and there have been reports of individuals losing 10 to 34 pounds during regular use. There is some clinical evidence that PCP may cause a persistent prolonged psychosis, resembling schizophrenia, despite abstinence from the drug.

The Federal Government has taken a number of steps to deal with this growing problem. Among other things, it is now tightening restrictions on the sale of legitimately made PCP and similar drugs. Authorities are working closely with chemical manufacturers to monitor unusual orders of the ingredients and equipment needed to make the drug. The Departments of Justice and Health, Education, and Welfare have taken steps to educate law enforcement and medical personnel of the dangers of this drug in order to more effectively deal with the illicit traffickers and users of PCP.

The following is a more specific outline of the health and law enforcement initiatives of the Government to help address the problem of PCP.

A. HEALTH INITIATIVES

1. Administrative

The White House established a PCP Action Coordinating Committee, chaired by the White House Drug Policy Office and composed of representatives of the Drug Enforcement Administration, the National Institute on Drug Abuse, the Food and Drug Administration, and the National Institute on Mental Health to deal with the problem in a comprehensive, coordinated manner.

The National Institute on Drug Abuse established a special program focusing on PCP in August 1977, to obtain information on the nature and extent of PCP abuse and its distribution, and to develop comprehensive information about it for dissemination to the American public. The resulting program described below includes education/prevention, training, treatment and research initiatives, as well as support for stricter legal controls over PCP and similar drugs.

2. Treatment

The National Institute on Drug Abuse published a report on PCP which provides information on the extent of abuse, acute and chronic effects, diagnosis and treatment of adverse reactions.

The National Institute on Drug Abuse is currently developing two treatment manuals for emergency room personnel and health professionals who deal with persons intoxicated with PCP. Publication is scheduled for January 1979. The manuals will be used in formulating training programs and will be included in all institute training manuals.

3. Education and prevention

In December 1977, more than 18,000 letters were sent to treatment programs, emergency rooms and other agencies to alert health professionals of the PCP problem, its recognition and treatment.

The National Institute on Drug Abuse published a fact sheet in Spanish and English to inform the general public about the physical and psychological effects of PCP, and to indicate what can be done to prevent its use or assist those who are using it. These were sent to mental health organizations, educators, Hispanic organizations, appropriate professional organizations, labor unions, the press, and VA hospitals.

The National Institute on Drug Abuse developed a 30-second public service television announcement on the risks of PCP; it was distributed to all television stations in the United States. These spots are getting a considerable amount of play and attention throughout the country. All National Institute on Drug Abuse publications for the public about drugs in general include a special section on PCP.

4. Research

In February 1978, the National Institute on Drug Abuse sponsored a conference to pull together what is now known about PCP and to identify those areas where additional research is needed. As a result, the National Institute on Drug Abuse has encouraged investigators to submit research grant proposals, particularly on discovery of an antidote for PCP, effective means of prevention and treatment, and further study on PCP-like analogs. To date, the Institute has received 21 applications. Fifteen of these proposals are pending review, and of the six remaining, five have been approved for funding.

The National Institute on Drug Abuse has completed an ethnographic study of PCP users in four U.S. cities (Seattle, Chicago, Philadelphia, and Miami) which helps understand how and why certain groups use PCP, the characteristics of the user and the effects of the drug. The study shows, among other things, that:

PCP has been around for a long time;

It is not overwhelmingly a white problem, as originally believed;

The average PCP user does not experience the negative side effects seen in treatment centers; and

After long periods of regular use, individuals experience a burnout syndrome. Even though they may not complain of bad trips during their daily ritual of drug abuse, the long-term results include poor functioning, a greying of the skin, and a general unhealthy appearance.

Treatment systems in five cities (Seattle, Chicago, Philadelphia, Miami and Houston) are being surveyed to determine the extent to which PCP users have sought drug-abuse treatment. This study will provide information on the outcome of current PCP treatment in these communities and be of assistance in designing more effective programs to deal with the problem in other programs.

The National Institute on Drug Abuse and the Drug Enforcement Administration are testing additional PCP analogs (PCP-like drugs) for their abuse potential in order to recommend stricter control over them where appropriate.

B. ENFORCEMENT INITIATIVES

1. Law ennforcement

In June 1978, the Drug Enforcement Administration included PCP among the dangerous drugs receiving priority attention and expanded enforcement efforts. This has resulted in the Drug Enforcement Administration dedicating more time and manpower to focus on PCP and to close down clandestine laboratories.

The Drug Enforcement Administration, through its Precursors Liaison program, is working with the chemical industry to determine the amounts of piperidine (a necessary element for manufacture of PCP) that are needed for legitimate purposes and their destination, and will monitor unusual or suspicious orders for precursors used in the manufacture of a controlled substance. This program relies on voluntary cooperation by the chemical industry.

In June 1978, the Drug Enforcement Administration's Office of Enforcement set up the Special Action Office/PCP to work with State and local officials to combat the abuse and manufacture of PCP nationwide, through location and seizure of illegal laboratories and through prosecution of the highest level violators. In its first month of operation, SAO/PCP helped seize eight labs, removed almost 2.5 million dosage units (approximately 27 pounds) from the illicit market, and arrested 26 individuals.

The Drug Enforcement Administration's Office of Science and Technology is continuing its efforts to develop devices to detect and track illicit drugs, particularly in locating clandestine laboratories.

The Drug Enforcement Administration is monitoring deaths and injuries from PCP use as they appear in the Drug Abuse Warning Network (DAWN). The closing of illegal laboratories should reduce PCP-related deaths and injuries.

In June 1978, representatives of the Drug Enforcement Administration met with the Department of Justice's Narcotic and Dangerous Drug Section in order to insure that those convicted of PCP manufacturing and trafficking received adequate sentences in view of the dangers of the drug.

2. Scheduling

The Food and Drug Administration, the Drug Enforcement Administration and the National Institute on Drug Abuse have all worked closely together to insure that PCP and similar drugs are quickly placed under appropriate Federal control.

In August 1977, the Drug Enforcement Administration initiated the regulatory process to reschedule PCP in a higher schedule and in February 1978, the drug was moved from schedule III to schedule II of the Controlled Substances Act. Schedule II is the most tightly controlled category for a drug with legitimate uses.

TCP, an analog of PCP, was placed in schedule I in 1975.

During the fall of 1977, the Drug Enforcement Administration collected data which indicated PCE and PHP, two analogs of PCP with similar abuse potential, were also being abused and warranted control. The Assistant Secretary for Health has recommended that the Attorney General place these analogs in schedule I. The Drug Enforcement Administration anticipates final control of these two analogs in October 1978.

During the past year, the Drug Enforcement Administration has provided information to five States wishing to reschedule PCP under their State laws.

In May 1978, two immediate precursors of PCP were placed in schedule II. Immediate precursors can be directly converted into a controlled substance.

3. Training and education

The Drug Enforcement Administration is conducting an educational program for the chemical industry to inform them of the PCP problem and ways to deal with it.

The Drug Enforcement Administration has updated its training for the detection and elimination of illicit PCP laboratories through its Advanced and Basic Agents Training Schools. Each of these programs offers classroom lectures and practice exercises to present the latest techniques used in these labs.

PCP is included on the Drug Enforcement Administration's training program targeted at local and State enforcement agencies to inform them on means of addressing clandestine laboratory problems.

C. FUTURE INITIATIVES

The White House Drug Policy Office will continue to monitor and coordinate the Federal Government's response to the growing problem of PCP. The concerned Federal agencies have been working closely with each other, their State and local counterparts and the Congress to develop an effective strategy to reduce the health and social harm caused by PCP and to strengthen the regulatory and enforcement mechanisms needed to locate, prosecute and convict criminals who make and sell PCP. However, more must, and will, be done.

Future activities will include refining and expanding the programs dealing with treatment prevention, training and research on PCP. Additional attention will be given to identifying the most vulnerable links in the illicit PCP distribution chain and mobilizing resources to take effective actions to limit the supply of the needed ingredients for PCP manufacture to legitimate users, to detect and destroy clandestine laboratories and to insure that, once convicted, PCP traffickers receive adequate sentences in light of the harm they do to American society.

These initiatives can only be successful if the legislative, executive and judicial branches of Government continue to work together to reduce the terrible impact of PCP.

9. ABUSE OF TALWIN AND PYRIBENZAMINE

On October 6, 1978, the Select Committee on Narcotics held a 1 day hearing in Chicago, Ill., on the abuse of "T's and Blues"—Talwin and Pyribenzamine, two illicit prescription drugs which when used intravenously in combination produces a heroin like effect.

Talwin was introduced as an analgesic by Winthrop Laboratories in 1969—its exclusive manufacturer. The antihistamine, Pyribenzamine, is manufactured by Ciba-Geigy Corporation. Over the past year and a half, there has been a dramatic increase in overdose deaths in Chicago attributable to the T's and Blues combination. During 1977, there were 6 deaths directly related to Talwin abuse and 33 others which were Talwin-related.

Although the Illinois Dangerous Drugs Commission recently designated Talwin as a "dangerous narcotic" by placing it on schedule II of the State's controlled substances list, the Committee is concerned about the spread of abuse to other areas. Syracuse, N.Y.; New Orleans, La.; and Detroit, Mich., have reported incidents of abuse. The FDA has proposed to place Talwin under schedule IV of the Federal Controlled Substances Act.

In addition to an assessment of the extent and nature of Talwin and Pyribenzamine abuse, the Committee assessed the role of public and private sectors in preventing the abuse of other illicit drugs. Specifically, the role of the Food and Drug Administration in anticipating the abuse of drugs was a major focus at the hearing.

10. CALIFORNIA—INVESTIGATION INTO MISUSE OF FEDERAL FUNDS IN DRUG TREATMENT PROGRAMS

In accordance with the Select Committee's oversight mandate, two investigators were sent to California to investigate allegations that Federal funds provided to treatment programs and halfway houses in California were being misused. Preliminary investigation has indicated funds provided through the National Institute on Drug Abuse (NIDA); Housing and Urban Development (Model Cities); and the Department of Labor (CETA) after being combined with local and State dollars receive little or no monitoring, auditing, or accountability from any agency. The investigators were also able to establish a link between organized crime and operators of several programs, particularly in the Los Angeles area. The Select Committee undertook the investigation after Ellen Delia, the director of a halfway house in Los Angeles, alleged that Federal funds were being misused. Before she was able to testify before the California Department of Health and Welfare she was murdered.

The Select Committee's investigation into allegations of misuse of Federal funds, and Ms. Delia's statements was preempted by the initiation of full scale inquiries by the Los Angeles Police Department, the Los Angeles Sheriff's Office and an audit by the State of California. The Select Committee will incorporate the preliminary findings from this investigation in the study on the lack of Federal oversight on Federal narcotics related grants.

11. HEROIN TRAFFICKING TRENDS IN THE PACIFIC NORTHWEST

The Select Committee undertook an investigation of narcotics rafficking in Western Canada to examine a number of issues which irectly impact on the amount of hard drugs entering the United States from foreign sources. The primary focus of the mission was to scertain the extent of drug trafficking in that region as well as the use f Vancouver, British Columbia, as an international transshipment oint for heroin coming from Southeast Asia into the continental nited States.

In addition, the Committee examined the effectiveness of U.S.-anadian cooperation, preclearance operations, and the cooperation etween DEA and other facets of the U.S. Embassy in Canada on arcotics control matters. Most of the findings from this investiga- on were referred to the Select Committee task forces for incorpora- on into the planning of other hearings. The major findings from this vestigation were, DEA's international intelligence mission is ham- ered for a number of reasons, U.S.-Canadian Customs do not work osely and preclearance is a disaster in terms of effective narcotics law forcement. The preclearance issue was discussed extensively during e Select Committee hearings in Florida which are described else- here in this annual report.

. ORGANIZED CRIME INVOLVEMENT IN SOUTH FLORIDA DRUG SMUGGLING

In late 1977 and again in early 1978 the Select Committee undertook investigation of the involvement of a particular corporation in the rge-scale smuggling of narcotics into the southeastern United States and the "laundering" of millions of dollars of illegal profits from the narcotics business. The investigation highlighted the lack of cooperation between the five Federal agencies tasked with relevant law enforcement responsibilities. The findings of the investigation were presented directly to the Attorney General and the relevant officials at the CIA. In addition the Select Committee held 5 days of hearings in executive session during March, 1978 on the response of the various agencies to the problems highlighted in the Committee's investigation.

The Select Committee has continued to monitor the executive agencies handling of the case. Because of the highly classified nature of the information uncovered by the investigation, the hearings were held in executive session and no public report was issued. The findings of the investigation are located in the committee files and are being shared with the appropriate law enforcement authorities. More important than the findings of this particular case, although they are shocking by themselves, was the new cooperation exhibited by Federal agencies which was spurred by the revelation of the shortcomings of their activities.

Since the Select Committee advised the appropriate law enforcement agencies of the findings of the investigation, several developments have taken place. A grand jury has been sitting for the last 6 months and indictments are expected in January. Several of the major characters implicated by the Committee have been apprehended by the authorities on unrelated charges.

13. CARGO SECURITY: USE OF INTERNATIONAL CARGO FOR NARCOTICS SMUGGLING

On October 24, 1978 the Select Committee on Narcotics conducted a hearing at John F. Kennedy International Airport to review the nature and extent of the use of international air cargo as a means of narcotics smuggling and the capability of current law enforcement efforts, primarily those of the U.S. Customs Service, to deal effectively with the ever-increasing volume of international commerce.

The Select Committee has learned that during the past year U.S Customs made 41 separate seizures of narcotics but due to manpower and resource shortages are able to "inspect" only 1 to 2 percent of inbound cargo and the inspectors rely primarily on "paperwork profiles" to determine which cargo is inspected. The Committee concluded that U.S. Customs lacks sufficient manpower and resources to detect and combat narcotics trafficking by international cargo. In addition, with the advent of containerization, U.S. Customs is incapable of screening the cargo rapidly through the use of dogs, X-rays or other high technology devices. Furthermore U.S. Customs responsibility to facilitate commerce often interferes with its inspection functions. The pressures from carrier and importer/exporter interests for rapid delivery of merchandise leads to cursory Customs inspections. Further pressure is placed upon Customs by the use of "immediate delivery" and "immediate transportation" shipping which facilitates commerce, but also facilitates smuggling. Finally, the Committee determined that the internal priorities of the U.S. Customs Service place revenue collection above law enforcement and that cargo inspection is often a secondary priority to passenger inspection.

A secondary focus of the hearings was an assessment of the effectiveness of the airline security personnel to prevent diversion or theft of cargo which comes into the United States on commercial or cargo airlines. The U.S. Government does not have legal authority to require security standards for airline cargo facilities and without passage of much needed cargo security legislation is left in the position of issuing voluntary guidelines concerning this critical issue.

The Select Committee made numerous recommendations to combat the problems discovered at the hearings. With regard to the U.S. Customs Service, the Select Committee task force has recommended that: (1) U.S. Customs increase manpower at JFK airport across the board including inspectors, patrol officers, and investigators; (2) U.S. Customs provide in the budget for a 3-dimensional X-ray machine for examining cargo and 20 X-ray machines for the new mail facility; (3) U.S. Customs impose the maximum penalties on airlines for lost shipments to encourage them to tighten security procedures and; (4) U.S. Customs should provide more sniffer dogs to the personnel at JFK airport.

In relation to security issues, the Select Committee task force recommended that: (1) the carriers should be required by statute or regulations to maintain and to install adequate security restraints for the safeguarding of cargo; (2) the airlines should hire more professional security personnel; (3) the private security personnel should be given more training before working in the cargo areas; and (4) the air carriers must be empowered through either legislation or regulation to carry out background checks including fingerprinting of all prospective employees to screen out ex-felons.

In relation to the safeguarding of cargo outside of the confines of the airport there are very special problems that must be taken into account. At the present time intransit shipments to other States are unsupervised and there is no practical attempt made to prevent cargo from being diverted or lost while in transit. Since it is not feasible to assign Customs men to every truck there should be a regulation requiring that in-bond cargo be carried in sealed closed trucks. Furthermore it is important that container stations be required to have around-the-clock security guards.

The Select Committee will be working with U.S. Customs and the standing committees with relevant legislative jurisdiction to implement these recommendations.

D. OTHER ACTIVITIES

1. TASK FORCES

In May 1978, the Select Committee established nine task forces to provide guidance for all special committee investigations dealing with task force subjects. In keeping with the non-partisan nature of the Select Committee's operations, the Chairman named Democrats as task force leaders and Republicans to lead other task forces. This is the only Committee of the Congress where Republican members chair some of the "subcommittees" of the full committee.

The following is a list of the task forces.

1. Task Force on Department of Justice. Task Force focuses on narcotics related work of LEAA, INS and the Criminal Division. James R. Mann, Chairman. Member: Lester L. Wolff.

2. Task Force on DEA. Chairman Benjamin A. Gilman. Members: Robin L. Beard, James R. Mann. The task force held a number of meetings at DEA which focused upon the organization and internal operations of DEA, recent changes in trafficking patterns and interdiction efforts, and the needs and goals of DEA.

3. Task Force on the Department of the Treasury. This task force includes the operations of IRS, ATF, and the Comptroller of the Currency. Chairman Morgan F. Murphy. Member: Billy L. Evans.

4. Task Force on Customs Service. Chairman J. Herbert Burke. Members: Billy L. Evans and E de la Garza.

Staff members of the Customs task force have visited the Customs Detective Dog Training Center in Front Royal, Va. and Customs headquarters in Washington. The task force focuses on Customs' narcotics interdiction programs and ways that it could be improved. In addition the task force has been active on the issue of preclearance and narcotics smuggling in south Florida.

5. Task Force on State Department and CIA. Chairman Tennyson Guyer. Members: Lester L. Wolff, Morgan Murphy, Glenn English.

6. Task Force on the Department of Health, Education, and Welfare including NIDA, OE, and ADAMHA. Chairman Charles B. Rangel. Member: Fortney Stark.

7. Task Force on Liaison with local law enforcement. Chairman Leo C. Zeferetti. Member: Louis Frey, Jr.

8. Task Force on Department of Defense, Veterans' Administration and associated agencies. Chairman Glenn English. Member: E de la Garza.

Investigations conducted by the task force on drugs in the military revealed a serious problem of drug abuse among service men and women. The task force held numerous hearings on the subject which are detailed in section 4 Drug Abuse in the Military.

9. Task Force on Institutions. Chairman Tom Railsback. Member: Morgan B. Murphy.

Investigations by this task force led to a Committee hearing on drug abuse treatment in Federal prisons. (See section Special Investigation: Demand Reduction hearing on VA, Bureau of Prisons.)

2. LEGISLATIVE RECOMMENDATIONS

The Committee staff has made a concerted effort to develop legislative initiatives to better control the supply of narcotics. The staff drafted a comprehensive package of legislation to curb narcotics trafficking by raising civil and criminal penalties and by closing existing loopholes in the U.S. Code. These recommendations, which find their genesis in detailed studies of current law and Committee activities in Florida, Chicago and elsewhere were sent to all Committee Members and Ex Officio Members. Legislation on marihuana decriminalization has already been introduced and following further consultation with the Office of Legislative Counsel, the relevant standing committees, and the White House recommendations discussed below will be introduced as a legislative package during the 96th Congress.

a. Criminal Code Reform—Amendments to S. 1437 as passed by the Senate—Summary of major provisions

Part I—Amendments relating to sentencing

a. The proposed amendments to sections 1001 (Criminal Attempt) and 1002 (Criminal Conspiracy) would require a judge to sentence a defendant to a term of imprisonment of not less than 2 years without designation eligibility for early release during at least the first 2 years of the term, where the object of the offense would constitute a Class C or higher felony under sections 1811 or 1812 (Trafficking in an Opiate and Trafficking in Drugs, respectively). In the event that the underlying offense constituted a Class D felony, the minimum term of imprisonment would be 1 year, during which there could be no eligibility for early release. In addition, the amendments require that any such sentence be consecutive with any other sentences imposed on the defendant unless specified findings of fact are made by the court.

b. The proposed amendments to sections 1801 (Operating a Racketeering Syndicate), 1802 (Racketeering), 1803 (Washing Racketeering Proceeds), and 1805 (Facilitating a Racketeering Activity by Violence) are identical to the proposed amendments to sections 1001 and 1002, except that the underlying racketeering conduct must constitute a felony under either section 1881 (Trafficking in an Opiate) or section 1812 (Trafficking in Drugs).

c. The proposed amendment to section 1812 (Trafficking in Drugs) is identical to the proposed amendment to sections 1001 and 1002, where the offense constitutes a Class D or Class C felony under such section.

Part II—Amendments relating to release pending judicial proceedings

a. The proposed amendments to section 3502 (Release Pending Trial in the Non-Capital Case) would add a new subsection (c) consisting of 4 parts. Paragraph (1) would impose additional considerations for release of defendants charged with certain drug offenses. Paragraph (2) would deny release to defendants charged with certain drug offenses upon a finding of specified facts. Paragraph (3) sets forth procedures for a finding under paragraph (2). Paragraph (4) provides for the expedited trial of any defendant denied release under paragraph (2).

Part III—Amendments to establish a marihuana pretrial diversion program

a. The amendments to chapter 35, as contained in this part, would establish within the Department of Justice a Marihuana Pre-Trial Diversion Program in order that persons subject to arrest for the unlawful possession of small amounts of marihuana or hashish for personal use may receive drug related counseling rather than be subject to prosecution for such possession.

This part is substantially similar to H.R. 12587 introduced by Representative Robin Beard and co-sponsored by Chairman Wolff, Mr. Guyer, Mr. Gilman, Mr. Mann and Mr. Murphy (Ill.).

Part IV—Amendments relating to traffickers in small amounts of marihuana

a. Section 401(b)(4) of the Controlled Substances Act [21 U.S.C. section 841(b)(4)] provides that:

> Notwithstanding paragraph (1)(B) of this subsection [relating to penalties for distribution of certain drugs] any person who violates subsection (a) of this section [relating to unlawful acts] by distributing a small amount of marihuana for no remuneration shall be treated as provided in subsections (a) and (b) of section 844 of this title [these subsections comprise a program of pre-trial probation and an expungement of records under certain circumstances. Section 3807 of S. 1437 provides for a similar program].

The proposed amendment to section 1812 would have the effect of including the underlying principles of 404(b)(4) of the Controlled Substances Act in the Federal Criminal code. Although the Act refers to "a small amount of marihuana" the amendment to section 1812 states that the amount not be more than 100 grams. Section 404(b)(4) of the Act includes the qualifier that the distribution be "for no remuneration." The proposed amendment to section 1812 retains this requirement but also permits the distribution to be "for no profit." This expansion recognizes the fact that often one person will secure a purchase of marihuana for distribution to friends acting as an "agent." A person acting in such a capacity is not truly a trafficker in marihuana and therefore should be treated as provided in section 3907.

b. Posse comitatus

In response to Committee investigations into trafficking situations in Florida and the Southwest border, discussions were held with the White House staff on draft legislation to revise 18 U.S.C. section 1385 and to provide an exception thereto. The draft legislation would grant the President, subject to congressional review, the authority to (1) authorize the use of military equipment by Federal law enforcement authorities; (2) authorize the use of military personnel to train Federal law enforcement authorities in the use and operation of such equipment; and (3) authorize the use of military personnel to assist Federal law enforcement authorities in the use and operation of such equipment. Any such authorization must be for the express purpose of enforcing Federal law prohibiting the unlawful import of a controlled substance, and for no other purpose. The draft legislation also contains a provision making it a Federal offense for an American citizen to *possess* a controlled substance upon the high seas. The draft of the legislation was referred to the Judiciary Committee without being introduced.

c. Financial transactions

As part of the recommendations from the investigations in Chicago and Florida are broad range of legislation to strengthen the enforcement of laws regulating the flow of currency out of the country in order to prevent its use for narcotics transactions.

These recommendations would amend the Comprehensive Drug Abuse Prevention and Control act by subjecting the proceeds of illegal drug transactions to forfeiture. In addition the Committee has proposed legislation which would amend the Tariff Act of 1930 by increasing the value of vessels, vehicles, merchandise which may be seized and disposed of administratively from $2,500 to $10,000. The other recommendations are included in this report under the section on the special investigation on south Florida.

d. Reporting of vessels

a. Amends section 433 of the Tariff Act of 1930, as amended, (19 U.S.C. section 1433) to reqiure that the master of any vessel of a foreign port or place, or a foreign vessel from a domestic port, or a vessel of the United States carrying bonded merchandise, or foreign merchandise for which entry has not been made, to immediately report the arrival of the vessel to the nearest customhouse or other place as the Secretary may designate. Such reports must be made not later than 24 hours after such arrival.

b. Amends section 459 of the Tariff Act of 1930 (19 U.S.C. section 1459) so as to be consistent with the amendment made to section 433 of such Act.

These provisions were independently introduced as H.R. 8149 by Mr. Gilman. His bill also increases the penalties for failure to report arriving vessels and aircraft and for failure to report the importation of certain illegal substances.

e. Federal narcotics strikeforces

Discussion has been initiated at the staff level as to possible legislation to facilitate the formation and utilization of multi-agency strikeforces similar to that ordered into south Florida by the President. The objective of the legislation would be to provide a mechanism to facilitate the formation of such strikeforces when indications of a problem arise instead of reacting to a situation already out of hand. The legislation contemplates including a provision to fund such strikeforces.

f. Coast Guard

Work is progressing on legislation that would enable the Coast Guard to better interdict narcotics intended for import into the United States. The legislation would regulate the transfer of a controlled substance between vessels on the high seas. It would also allow the Coast Guard to board a stateless vessel on the high seas if there are reasonable grounds to believe that the vessel contains a controlled substance intended for distribution in the United States. Such legislation would subject persons on board a stateless vessel to U.S. criminal laws, as well as subject the vessel and contraband to forfeiture. In addition, the Committee intends to recommend that similar legislation be adopted for foreign vessels carrying contraband where there is evidence that such contraband is intended for importation into the United States in violation of U.S. laws.

g. Paraquat

The legal staff of the Committee worked closely with Chairman Wolff on legislation to regulate the use of herbicides in eradicating marihuana. Chairman Wolff's amendment to the International Security Assistance Act of 1978 (S. 3075) restricted the use of international narcotics control funds only for fiscal year 1979 by requiring that no such funds be used for the eradication of marihuana by paraquat, unless the paraquat is sprayed in conjunction with a "marker."

The staff analyzed Senator Percy's amendment to the Foreign Assistance Act of 1961 which (1) prohibits the direct or indirect use of funds authorized under the Foreign Assistance Act of 1961 in connection with or to assist programs involving the spraying of herbicides to eradicate marihuana plants if the herbicides are likely to cause serious harm to the health of persons using the marihuana; (2) requires the Environmental Protection Agency, the Department of Agriculture and the National Institute on Drug Abuse to periodically report to the Department of State on the health risks presented by herbicides used or to be used to eradicate marihuana plants; and (3) requires the Secretary of State to report the efforts he has taken to ensure compliance with the amendment and to halt spraying of paraquat on marihuana.

The staff pointed to the integral part herbicides play in the U.S. international narcotics control effort and the emphasis that the Mexican government places on its marihuana eradication campaign. Stressing the need to continue the international narcotics control program, the staff recommended changing the Percy Amendment to incorporate the Wolff Amendment's limitation for consideration by the Conference Committee.

The Senate-House conference adopted an amendment which closely resembled the compromises advocated by the Committee staff and included reference to the use of a "marker" to identify herbicide-sprayed marihuana. This position was included in the conference report and approved by both the House and the Senate, and signed into law.

3. HOUSE CONCURRENT RESOLUTION 265 ENDORSING HERMOSILLO DECLARATION

At the 17th Mexico-United States Interparliamentary Conference at Hermosillo, Sonora, Mexico (May 26–31, 1977), Congressman Gilman presented a paper on narcotics trafficking that provided the basis for what has become known as the Hermosillo Declaration. The Declaration, which was signed by the delegates from both Mexico and the United States, condemns the illegal cultivation of all narcotic producing plants and expresses the desire by Mexico and the United States to intensify their efforts to eradicate the cultivation, traffic, use and abuse of heroin and other dangerous drugs. On June 27, Mr. Gilman introduced H. Con. Res. 265 (cosponsored by Congressmen Burke and de la Garza, and all other Members of the congressional delegation attending the Hermosillo Conference), endorsing the Hermosillo Declaration. H. Con. Res. 265 passed the House on October 31. The measure was referred to the Senate Foreign Relations Committee and on July 18, 1978 the Senate unanimously passed H. Con. Res. 265.

4. MEXICAN-AMERICAN INTERPARLIAMENTARY CONFERENCE

Three members of the Select Committee, Chairman Wolff, Rep. Gilman and Rep. de la Garza actively participated in the 1978 Mexican-American Interparliamentary Conference which was held in Washington and New York City. Both Chairman Wolff and Congressman Gilman presented papers to the delegation on the topic of international narcotics control and cooperation efforts between the United States and Mexico to halt the cultivation and trafficking of marihuana and opiates.

Chairman Wolff and Congressman Gilman are the two members from the House of Representatives on the Mexican-United States Consultative Mechanism's working group on Narcotics. The working group hopes to have their first meeting in Mexico City before the end of the year. The working group on narcotics is an outgrowth of an agreement reached in 1976 between Reps. Wolff and Gilman and former President Echeverria of Mexico to have a joint commission on narcotics issues.

5. UNITED NATIONS RESOLUTION

On November 28, 1977, Chairman Wolff, who served as a representative to the U.S. delegation to the United Nations, introduced a precedent setting resolution on narcotics before the 32d Session of the U.N. General Assembly, in the Third Committee, on Narcotics. Resolution 32/124 invited UNFDAC in connection with WHO and other U.N. bodies to initiate actions to design models for prevention, treatment and rehabilitation for the purpose of identifying and demonstrating the best techniques for assisting drug abusers in order to facilitate the work of national authorities in reducing drug abuse. The resolution also called for UNDP in connection with the international financial institutions to commission pilot projects aimed at crop and income substitution in opium cultivation areas. The resolution further requests that the Commission on Narcotics Drugs study at its next session the possibility of launching a meaningful program of international drug abuse control and integrating it with development assistance programs.

This resolution passed by a recorded vote of 125 for, 0 against, with 11 abstentions. At the Fifth Special Session of the U.N. Commission on Narcotic Drugs on February 22, 1978 a decision was reached in connection with Resolution 32/124 to request its officers, the INCB and the appropriate specialized agencies of the United Nations, to prepare a working paper to serve as the basis for an indepth discussion by the Commission at its twenty-eighth session in 1979. The Committee contributed comments to be included in the U.S. paper suggesting views to be included in the working paper.

The chairman was praised by representatives of the White House, Department of State and NIDA for this first of a kind resolution which increased the attention paid to international demand reduction.

6. INTERNATIONAL SECURITY ASSISTANCE ACT OF 1978—REPORT LANGUAGE

The staff of the Select Committee on Narcotics Abuse and Control worked closely with the staffs of the International Relations Committee's Subcommittees on Asian and Pacific Affairs and Inter-American Affairs in planning a hearing on March 1978 on the fiscal year 1979 State Department narcotics authorization request. The International Relations Committee included in their report on the fiscal year 1979 Foreign Assistance Authorization bill language which was proposed by the staff of the Select Committee.

The report to accompany the bill stated that:

> The Committee therefore urges the President to provid
> full time Narcotics Coordinator in major program countri
> with the experience and the time to adequately perform th
> important functions of this position. The Committee urges th
> Department to consider creation of a formal end-use monitor
> ing system; the results of which can be examined by th
> Congress.
>
> The Committee also requests that the Department of Stat
> contain in future congressional presentation materials (1)
> report each year of how many individuals previously traine
> by Customs and DEA under Section 481 programs continu
> to hold positions which have some involvement with narcotic
> control, and (2) a report documenting the long-term viabilit
> of each pilot crop substitution program as soon as practicabl
> after the inception of each such program

7. PRESIDENT CARTER MEETS WITH TASK FORCE ON DRUG ABUSE IN MILITARY

On June 20, 1978 Chairman Wolff and Rep. Glenn English, C
man of the Task Force on Drug Abuse in the Military met with P
dent Carter to discuss the findings from the Committee's investiga
into drug use in the military. The delegation was told by the Presi
that he would raise the problem with the appropriate military offi
in Germany and his upcoming trip to Germany and would put the
ject on his agenda for his discussions with Prime Minister Schmi
West Germany. In fact the President did carry through on bot
these plans.

8. SPEECH TO GEORGIA STATE LEGISLATURE BY REPRESENTATIVE BILLY L. EVANS

The staff worked with Congressman Billy Lee Evans on a sp
which was presented to a special joint session of the Georgia S
Legislature. The speech focused on the activities of the Select C
mittee on the topic of Prevention. The speech drew a very warm
sponse and numerous inquiries on how the legislature could main
a close working relationship with the Select Committee. The Se
Committee has provided the legislature with all reports and heari
relating to improving Federal, State, local interface and prevent
issues.

9. SPECIAL PROJECTS

(a) On September 28, 1978, the chief counsel addressed the Met
politan Washington Council of Governments Narcotics Officers Se
inar at their sixth annual convention. The Committee was instrumen
in obtaining NIDA funding for this 3-day seminar which brings
gether local members of the various police jurisdictions who h
been very successful in their joint task force with DEA which h
targeted local PCP labs and PCP distribution rings as their prior
goals.

(b) The staff, in connection with Congressman Billy Lee Evans, visited with the president of a Georgia-based drug prevention program, "Stop Drugs at the Source." The Select Committee staff served as a liaison for this organization in its original contacts with the Community Assistance and the Prevention Branch of the National Institute on Drug Abuse who have maintained regular contact with the Stop Drugs at the Source program.

10. CONCLUSION

The annual report details the major activities of the Select Committee during 1978. In the 2 years and 3 months of its existence, the Select Committee has held 56 days of hearings and issued 35 publications. The Select Committee has been successful in stimulating congressional and executive agency activity and increasing the cooperation between different Federal agencies responsible for narcotics control. However, one cannot conclude that the Select Committee has no more work to do to improve the effectiveness of the Federal effort to reduce the level of drug abuse in the United States.

The focus of Select Committee activities during the 96th Congress will be upon oversight of the Federal demand effort in drug and polydrug abuse. During the 95th Congress the Select Committee began this effort and with the publication of the Congressional Resource Guide has identified the agencies that are charged with mandates in the drug abuse field. The Select Committee will be examining all facets of the total Federal program which costs approximately $800 million per year. The Select Committee will focus a majority of the oversight effort upon agencies and programs concerning demand reduction, including treatment, rehabilitation, research and prevention.

The annual report highlights the findings of many of the major investigations carried out by the Select Committee. However, there are two observations which are critical to understanding what needs to be changed before real progress can be made in the attempt to reduce the level and impact of drug abuse in the United States. The first observation is that the National Institute on Drug Abuse which is the lead agency for demand reduction issues is a fourth-level agency within the Department of Health, Education, and Welfare and because of its position is unable to influence the activities of other agencies or even to act decisively on its own because of the need to gain approval of numerous agencies higher up in the HEW and the White House organizational structure. The second observation is that the Select Committee is now the only high-level forum which is conducting oversight and coordination work. The Select Committee was very supportive of the work of the Office of Drug Abuse Policy and worked hard to try and prevent the phasing out of ODAP in March 1978. There is no longer a high-level office in the White House which can settle conflicts between agencies and provide overall policy guidance on the Federal strategy for drug abuse control.

The Select Committee has now completed the basic research and oversight through hearings, investigations and reports on the Federal drug abuse effort. In the coming Congress, the Select Committee will be able to isolate examples of fragmentation and waste and further stimulate the Standing Committees of the Congress and the executive departments to provide remedies for areas which require legislative and executive agency solutions. Also, in the coming Congress the Select Committee will devote considerable effort to identifying solutions to chemical dependency in the United States, an area of primary concern to every citizen.

E. HEARINGS, PUBLICATIONS, AND NEWS RELEASES

1. *Hearings*

April 18—Federal Policy (Prevention).
April 19—Methadone (Treatment).
April 20—Media (Prevention).
April 25—Research (Prevention).
April 27—Department of Defense (Military).
May 5—New York City Methadone (Treatment).
May 16—School Programs (Prevention).
May 24—Department of the Army (Military).
May 25—City and State (Prevention).
June 2—Department of the Air Force (Military).
June 9—Cocaine and Marihuana Trafficking (Miami).
June 10—Cocaine and Marihuana Trafficking (Miami).
June 14—Federal Policy and Integrated Services (Treatment).
June 15—NIDA/ADAMHA and Drug Abuse and the Elderly (Treatment).
June 16—Department of the Navy/Marine Corps (Military).
June 21—Ethnic Minorities (Treatment).
June 22—International Programs (Treatment).
June 30—Narcotics Trafficking (Hawaii).
July 1—Narcotics Trafficking (Hawaii).
July 4—Narcotics Trafficking (Guam).
July 5—Narcotics Trafficking (Guam).
July 25—Veterans Administration and Bureau of Prisons (Treatment).
July 26—Drug Abuse and Women (Treatment).
July 27—Department of Defense (Military).
August 8—PCP (Psychotropics).
August 10—Pharmaceutical Companies (Psychotropics).
August 30—Drug Abuse in New York City Schools.
August 31—Drug Abuse in New York City Schools.
September 1—Drug Abuse in New York City Schools.
September 19—American Medical Association (Psychotropics).
October 6—Talwin Abuse—Chicago (Psychotropics).
October 24—Airport Security—JFK International Airport.
November 20—Army/Germany (Military).
November 22—Army/Germany (Military).

2. *Publications*

Oversight Hearings on Narcotics Abuse and Current Federal and International Narcotics Abuse and Control—September 1976 (SCNAC–95–1–1).

Summary of Testimony and Findings and Conclusions Resulting from Oversight Hearings on Narcotics Abuse and Control—February 1977 (SCNAC–95–1–2).

Submissions for the Record Pursuant to Oversight Hearings—February 1977 (SCNAC–95–1–3).

Hearings on New York City Law Enforcement—November 1976 (SCNAC–95–1–4).

Summary of Testimony and Findings and Conclusions Resulting from Hearings in New York on Drug Law Enforcement—November 1976 (SCNAC–95–1–5).

Report on Seven Nation Fact Finding Mission—November 1976 (SCNAC–95–1–6).

Preliminary Staff Study—Drug Abuse in New York City Schools—January 1977 (SCNAC–95–1–7).

Hearings on Decriminalization of Marihuana—March 1977 (SCNAC–95–1–8).

Considerations for and Against the Reduction of Federal Penalties for Possession of Small Amounts of Marihuana for Personal Use—May 1977 (SCNAC–95–1–9).

The International Narcotics Control Community—February 1977 (SCNAC–95–1–10).

Opium Production, Narcotics Financing and Trafficking in South-east Asia—April 1977 (SCNAC–95–1–11).

Review of LEAA Narcotics Funding—June 1977 (SCNAC–95–1–12).

South American Study Mission—August 9–23, 1977—August 1977 (SCNAC–95–1–13).

Southeast Asia Narcotics—July 1977 (SCNAC–95–1–14).

Investigation of Narcotics Trafficking Proceeds (Chicago, Illi-nois)—September–October 1978 (SCNAC–95–1–15).

Investigation of Narcotics Trafficking and Money Laundering in hicago—January 1978 (SCNAC–95–1–16).

Annual Report for the Year 1977—January 1978 (SCNAC–95–1–
8).

Oversight Hearings on Federal Drug Strategy—September-Octo-er–November 1977 (SCNAC–95–2–1).

Congressional Resource Guide to the Federal Effort on Narcotics buse and Control 1969–76—Part 1—June 1978 (SCNAC–95–2–2).

Study Mission on International Controls of Narcotics Trafficking d Production—August 1978 (SCNAC–95–2–3).

Prevention of Drug Abuse Hearings—(SCNAC–95–2–4).

Problems of Law Enforcement and Its Effort to Reduce the Level of rug Trafficking in South Florida—June 1978 (SCNAC–95–2–5).

Cocaine and Marihuana Trafficking in Southeastern United States, earing—June 1978 (SCNAC–95–2–6).

Drug Abuse in the Military Hearings—April–May–June–July 1978 CNAC–95–2–7).

Drug Abuse and Trafficking in the State of Hawaii and the Trust rritory of Guam—July 1978 (SCNAC–95–2–8).

Study Mission on Narcotics Trafficking and Production in Thailand, ng Kong and Macau—July 1978 (SCNAC–95–2–9).

PCP—A Killer Drug on the Rise—September 1978 (SCNAC–95–2–
.

rug Abuse—Demand Reduction in the United States and Abroad—vember 1978 (SCNAC–95–2–11).

rug Abuse Treatment Hearings—Part 1—June 1978 (SCNAC–95–
2).

Drug Abuse Treatment Hearings—Part 2—April–May–June–July 1978 (SCNAC–95–2–13).

Drug Abuse in the Armed Forces of the United States—November 1978 (SCNAC–95–2–14).

Annual Report for the Year 1978—December 1978 (SCNAC–95–2–15).

Hearings on Talwin-AMA-Psychotropics-PCP—August–September–October 1978 (SCNAC–95–2–).

Hearing, New York City Schools—August–September 1978 SCNAC–95–2–).

Hearing, Cargo Security—October 1978 (SCNAC–95–2–).

3. News Releases of 1978

December 5, 1978—Wolff and Gilman to issue press statement on U.S.-Mexico Narcotics Commission.

November 22, 1978—Narcotics Committee and Military solidify drug abuse prevention and enforcement initiatives in Europe.

November 9, 1978—Narcotics Committee to hold Germany hearings on Military drug abuse.

October 18, 1978—Narcotics Committee to hold hearings on cargo security at JFK airport.

September 29, 1978—Narcotics Committee to hold Chicago hearing on Talwin abuse.

September 26, 1978—Congressional Black Caucus to hold workshop on drug abuse in the black community.

September 19, 1978—U.S. drug policy in S.E. Asia—PBS documentary offers behind-the-scenes look.

September 13, 1978—AMA to testify on M.D. psychotropic prescribing practices.

August 24, 1978—Narcotics Committee to hold hearings on drugs in NYC schools.

August 3, 1978—Narcotics Committee to hold hearings on PCP and psychotropic drugs.

July 28, 1978—Fascell named ex officio member of Select Committee on Narcotics Abuse and Control.

July 27, 1978—Narcotics Committee commends DOD on new drug initiatives.

July 24, 1978—Narcotics Committee to hold press conference on Hawaii, Guam, Southeast Asia.

July 20, 1978—Deputy Secretary of Defense to testify at Select Committee hearing.

June 30, 1978—Comprehensive review of Federal Narcotics programs released today: Drug treatment for veterans and prisoners to be reviewed in Select Committee hearings.

June 22, 1978—Select Committee on Narcotics to hold hearings in Guam.

June 20, 1978—Select Committee to hold Hawaii hearing on narcotics use and trafficking.

June 19, 1978—International drug prevention and treatment programs to be subject to Select Committee hearing; Select Committee on Narcotics to conduct hearing on drug abuse among women.

June 16, 1978—Select Committee on Narcotics to conduct hearing on ethnic minorities in drug abuse treatment.

June 14, 1978—Drug abuse in the Navy and Marine Corps.

June 9, 1978—Select Committee on Narcotics to hold series of drug treatment hearings, June 14–15: Federal policy, treatment programs, and drug abuse by the elderly.

June 1, 1978—Select Committee to hold hearings on Air Force drug abuse.

June 1, 1978—South Florida, "Drug Smugglers Haven," to be site of Select Committee hearings on cocaine/marihuana trafficking.

May 31, 1978—Press conference on findings on Narcotics Committee Task Force on Military Drug Abuse.

May 24, 1978—Narcotics Committee resolution directs appearance of Defense Secretary.

May 22, 1978—Select Committee to hold hearing on drug abuse and combat readiness of Army soldiers.

May 19, 1978—Select Committee to hold Washington hearing on State/city drug abuse prevention.

May 10, 1978—Drug prevention in the schools and for special populations to be addressed in Select Committee hearing.

May 2, 1978—Select Committee on Narcotics Abuse and Control to hold methadone hearings in New York City.

April 24, 1978—Armed Forces drug problem.

April 14, 1978—Select Committee on Narcotics holds hearing on drug abuse prevention.

April 14, 1978—Select Committee announces hearing schedule.

February 16, 1978—Select Committee on Narcotics Abuse and Control reports on study mission to Asia and the Pacific.

February 10, 1978—Select Committee on Narcotics Abuse and Control to hold press conference on recent trip to Asia and Pacifiic; Select Committee on Narcotics Abuse and Control Staff to lead to investigation of methadone diversion.

January 5, 1978—Select Committee on Narcotics Abuse and Control releases current report on cocaine smuggling based on recent South American mission.

F. APPENDIX: HIGHLIGHTS OF MEDIA RESPONSE TO COMMITTEE HEARINGS

New York City—Harlem's drug problem and schools

[From the New York Times, Dec. 7, 1976]

POLICE CRACK DOWN ON DRUGS IN HARLEM—DRIVE AGAINST SELLERS OF NARCOTICS COMES AFTER BEAME SECRETLY WATCHED OPEN STREET SALES

(By Selwyn Raab)

The police have begun a new crackdown against narcotics sellers in Harlem, acting after Mayor Beame secretly observed open street sales of illegal drugs on upper Eighth Avenue.

Mr. Beame, Police Commissioner Michael J. Codd and other officials were hidden in a camouflaged police van last Nov. 23 and watched and listened to narcotics transactions a few feet away. The site was "The Market Place," one of Harlem's most notorious areas for obtaining heroin and other illicit drugs.

"The Mayor was kind of shaken by what he saw," said Sidney Frigand, Mr. Beame's press secretary. "He was amazed how open it was and how impotent the present system is to deal with the problem."

The Police Department, apparently reacting to strong political and public pressure about narcotics trafficking in Harlem, assigned a 170-man task force on Nov. 26 to combat sellers or "pushers" in the predominantly black neighborhood.

CONGRESSIONAL HEARINGS

The heavy manpower commitment in the personnel-strapped department also came after Congressional hearings were held last month, spotlighting the worsening drug problem in Harlem.

Street sales of heroin and other drugs have been conducted openly for years in Harlem with little police interference. Police officials have generally asserted that campaigns against low-level narcotics dealers are ineffective since such "pushers" are quickly replaced by others.

In the first 11 days of the drive, more than 400 people have been arrested for possession or sale of drugs, according to police officials.

Departing from a long-standing policy, undercover and uniformed officers have been told to make arrests on "observations," of sales or possession. Previously, most narcotics "buys" were made with marked money by undercover policemen with backup officers watching so as to have strong court cases. It is unclear whether the current arrests will stand up in court.

ANOTHER CHANGE IN STRATEGY

The task force also has been instructed to crack down on low-level sellers—another change in police strategy of concentrating on medium- or high-level dealers who are believed to control the narcotics business in New York City.

Assistant Police Chief Harold Schryver, commanding officer of all precincts north of 59th Street, said that several medium-level drug dealers had been arrested. "We've made some good narcotics arrests and also some good gun arrests because of this drive," Chief Schryver said.

Chief Schryver and Deputy Chief Joseph Preiss, commanding officer of the Narcotics Division, said that the 170 men assigned to the task force had come from the Narcotics Division or other specialty units and that no patrol units had been stripped to provide manpower.

No announcement of the sudden drive was made by the department. Francis J. McLoughlin, a deputy commissioner in charge of public information, denied that the department had responded to political pressure in starting it.

SOME PRESSURE CITED

But other police officials, who asked that their identities be withheld, said that political pressure had influenced the quick decision to organize a special task force. The pressure, these officials cited, came from City Hall and from Representative Charles B. Rangel, Democrat of Manhattan, who conducted hearings here last month, and from Manhattan Borough President Percy E. Sutton.

Mr. Rangel and Mr. Sutton accompanied Mayor Beame and Commissioner Codd on the evening of Nov. 23 when they surreptitiously watched narcotics sales for about 30 minutes on Eighth Avenue between 113th and 118th Streets.

Mr. Frigand, denying that the Mayor had applied any pressure for a crackdown, said that Mr. Beame had asked Commissioner Codd "what could be done."

[From the New York News, Nov. 20, 1976]

CONGRESSMEN SHOWN HARLEM DRUG SCENE

(By Bryant Mason)

A congressional committee investigating city drug enforcement problems yesterday heard public officials say that they stood with stunned disbelief as they saw dealers selling narcotics on Harlem street corners "as though they were hawking fish," with police cars in sight.

The daylong hearings at the Harlem State Office Building brought an outpouring of testimony in support of Mayor Beame's request that the federal government shoulder the total cost of narcotic enforcement. Conservative estimates are that 40 percent of the country's addict population lives in the city.

Investigation Commissioner Nicholas Scoppetta said the burden to the federal government for the cost of street arrests and the hunting of traffickers would be in the neighborhood of $100 million. Narcotics is a national problem, he stressed.

The testimony riveted the attention of the committee, which included Rep. Peter W. Rodino, Jr. (D.-N.J.), the chairman of the House Judiciary Committee.

Manhattan Borough President Percy Sutton, flanked by city narcotic investigators, showed slides taken on actual visits to Harlem street corners, where milling addicts and pushers are the stark reality that Harlem residents contend with every day.

On one such foray, Sutton, Sterling Johnson, the city's special narcotics prosecutor, and Rep. Charles Rangel (D.-Manhattan) were able, with undercover cops, to observe the open actions of dope peddlers.

On his forays, Sutton was wearing a hairpiece and was in partial disguise. Johnson, who was in overalls, reportedly has a $100,000 contract on his life, put up by dope dealers.

Business was so brisk, Johnson said, that even with Rangel standing undisguised, dealers sidled up and said, "Don't stand on the corner unless you are going to buy some dope."

Sutton asserted that the police, who now seem to take a blind view of these sales, should begin large arrests, and the suspects should be turned over to the federal government.

Several of the congressmen on the panel, while seeming sympathtic to the city's request, expressed fears that the effort by the city to pass on the narcotic enforcement costs was simply a way for Beame to achieve fiscal order with a government handout.

[From the New York Post, February 7, 1977]

U.S. CALLS CITY SOFT ON DRUGS

(By John S. Lang)

WASHINGTON—New York City is "in a crisis state" because of a "no-arrest policy" toward street sales of narcotics, according to a draft Congressional report.

The policy has created a situation which half of all crime in New York City is drug-related, the report says.

The report by the House Select Committee on Narcotics Abuse and Control is critical of all stages of the city's criminal justice system.

"The criminal justice system in New York City is in almost total collapse," the report charges.

The panel blames budget cuts and massive layoffs for handcuffing narcotics enforcement—but also slaps at city leaders for "passive law enforcement."

"Drug trafficking is occurring on the streets of New York City without substantial enforcement of either state or federal drug laws," the report says.

"While New York has the most severe anti-narcotics laws in the nation, these laws do not act as a deterrent and have had little or no effect on traffic and use. Drug related crime in New York City is not at a level of 50 per cent of all crime."

According to the panel's calculations there were 17,000 drug-related arrests in the city last year.

And there is still a backlog of 1500 cases in the courts, the report says.

"Even if street enforcement was vigorously pursued, there would be inadequate prosecutorial and court facilities available to give speedy trials to the accused."

The committee, headed by Rep. Lester Wolff (D-Nassau) held nine days of hearings in September, focusing especially on drug enforcement in Harlem.

During inspection trips, the committee members were offered heroin, cocaine and marijuana by street pushers who reached into their cars, ignoring the Congressmen's police escort.

In their report, the panel members said, "Testimony indicates that drug law enforcement is not a high priority of the city or of the Police Dept., as reflected in budget figures and resource commitment."

Deputy Police Commissioner Frank McLoughlin, asked to comment on the committee report, said the force had "absolutely" no such policy toward drug peddlers at any level.

He also called "untrue" the report's comments on the law enforcement apparatus here.

The committee said that despite the recent appointment of Nicholas Scoppetta as deputy mayor for criminal justice "there is an apparent lack of the needed ability required for effective planning . . ."

In conclusion, the report said, "New York has no comprehensive or focused effective plan that would appreciably affect the existing drug problem."

After the panel's hearings in the city, Mayor Beame wrote to then-Attorney General Edward Levi, asking the federal government to assume the cost of narcotics enforcement in the city. Beame noted then that 30 per cent of the nation's addicts live in the city.

But the House panel said the federal government must rely on local law enforcement officials to cope with street sales.

And it said that, based on testimony by Justice Dept. officials, "narcotics law enforcement in New York City at the street level is not a high priority of the federal government."

Wide-open Harlem drug traffic was described in a series of articles in The Post last month, but police cracked down and stopped it.

[From the New York Times, February 10, 1977]

Metropolitan Briefs—Harlem Drug Arrests

In the first 70 days of the Police Department's crackdown in Harlem on narcotics traffickers, almost 2,000 drug-related arrests were made, Mayor Beame said.

The Mayor released a report on "Operation Drugs" earlier than expected in an apparent effort to refute a day-old Congressional report that contended the city was in a "crisis state" because of a "no arrest policy" in narcotic street sales. The latter report, by the House Select Committee on Narcotics Abuse and Control, contended that half of all the crime in New York City was drug-related.

As of last Friday, the Mayor's report said, police officers in two Harlem precincts had made 44 major arrests and nine major narcotics seizures. The street value of confiscated contraband was put at more than $500,000. In the 70 days, the report stated, the two Harlem precincts recorded a total of 3,788 arrests, of which 77 percent were attributed to "Operation Drugs."

[From the New York Times, February 7, 1977]

House Panel Finds Big Rise in Drug Use by New York's Schoolchildren

(By Edward C. Burks)

WASHINGTON, Feb. 7—A Congressional committee on drug abuse has found a "very substantial increase" in narcotics use among New York City schoolchildren in the last year and a half "from the seventh grade on up."

It also reported that the city's overall narcotics problem had reached a "crisis situation" and the city's criminal justice system "is in almost total collapse."

Draft reports to be made public tomorrow by the House Select Committee on Narcotics Abuse and Control make the following statements about the city's "growing crisis" of narcotics abuse:

Drug pushers in Harlem openly traffic in heroin, cocaine and marijuana even when they know that they are surrounded by the police.

The magnitude of the drug problem in the schools—as well as a "marked increase" in alcohol use among pupils—is not being reported to the public by school authorities.

Only 3 percent of New York City's law enforcement funds are being spent on controlling violators. Neither the prosecutors nor the courts have an effective plan to cope with the worsening problem.

Representative Lester Wolff, Democrat of Nassau County, who is chairman of the committee, said that four committee investigators had conducted hundreds of interviews in the school system and that their findings "were very startling." As to the general situation in the city, he said: "None of the authorities involved—Federal, state or local—is devoting sufficient energy or funds to this problem."

He added that 30 to 50 percent of the nation's narcotics addicts and pushers were in the New York metropolitan area. However, he said that the Federal Government was certainly not concentrating that much of its budget for narcotics control in the area.

"NO BUSTS BEING MADE"

A task force of the Wolff committee headed by Representative Charles B. Rangel, Democrat of Manhattan, prepared a draft report on the general situation of drug selling and abuse following inspection trips to Harlem with the police in unmarked cars last September.

The report quotes Mr. Wolff as saying: "As we drove along the streets in an unmarked police car, street pushers literally thrust themselves through our windows and offered to sell heroin, cocaine, marijuana and a variety of drugs at prices as low as $5 to $7. These pushers knew we were surrounded by police, and they didn't care. Their contempt for the consequences of the law is that great."

"However, it may be suggested that these street pushers have learned their lessons; in reality they risked little. They know the result of budget cutbacks—that no busts are being made for marijuana—and they know even if they are unlucky enough to get arrested for hard drugs, they will be released on bail, which has simply become one more bit of overhead, a couple of extra sales to be made."

Mr. Wolff said that after posting bail the narcotics violators frequently failed to show up for trial and generally were not picked up. Or their cases were postponed by the courts so many times that the charges against them collapsed.

The chairman reported that during his visit the main drug-pushing areas of Harlem—116th and 117th Streets, for example—"We saw kids getting out of cars with license plates from Pennsylvania, New Jersey, Delaware and Ohio, and buying drugs."

The report stated that the Federal Government had to rely on local law enforcement officials to make arrests of street sellers. Noting a backlog of 1,500 narcotics cases in the courts in New York, the report said, however, that adequate prosecution and court facilities are not available to provide quick trials even if the rate of street arrests picks up.

Mr. Wolff also said that despite tough antidrug laws in New York, "prosecutors can't make their cases stick." An estimated 50 to 70 percent of all New York crime is drug-related, he said.

He made his comments after copies of the draft report were leaked to the press.

[From the Washington Post, September 1, 1978]

DRUGS LINKED TO TRUANCY IN N.Y. SCHOOLS

NEW YORK.—Drugs have made chronic truants out of some 70,000 public school students in New York City, state officials report.

School officials say that on the average, about 200,000 students in the city school system are absent each school day, with half that number in the junior and senior high schools. The absentee rate is significantly higher than the national rate.

Daniel Klepak, director of the state division of substance abuse services, said Wednesday chronic drug abusers account for 70 percent of the 100,000 junior and senior high school students who are regularly absent.

Klepak, appearing at the first of three days of hearings by the House Select Committee on Narcotics Abuse and Control, said more than 20 percent of the approximately 500,000 seventh through 12th graders in the city school system fail to attend classes on a regular basis.

Marihuana

[From the Christian Science Monitor, (Boston, Mass.), March 15, 1977]

EASING PENALTIES—MARIJUANA LAWS UNDER PRESSURE

(By Peter C. Stuart)

Those seeking an end to criminal penalties for personal use of marijuana seem poised for their strongest push since the drug was first regulated in the United States 40 years ago.

Congress opened an examination of the issue March 14 amid signs of rapidly changing official and public attitudes. Among other things:

President Carter has become the first chief executive to publicly favor changing possession of small amounts of marijuana from a crime punishable by jail to a civil offense punishable by a fine.

Marijuana smoking is moving from a gesture of social protest to an accepted feature of the life-style of millions of Americans, according to a study by the government's National Institute on Drug Abuse issued on the eve of the hearings. Among marijuana users are more than half the nation's 1976 graduating high school seniors, and children of the last two presidents.

STATES REDUCE PENALTIES

All states in recent years have reduced criminal penalties for possessing small amounts of marijuana, and eight have dropped the criminal penalties altogether (Alaska, California, Colorado, Maine, Minnesota, Ohio, Oregon, and South Dakota).

The once politically ruinous issue of decriminalization, blamed for helping defeat Democratic presidential nominee George McGovern in 1972, now is endorsed by 86 percent of the public polled by the federal Drug Abuse Institute's last two surveys.

Even its staunchest proponents doubt Congress is yet fully prepared to delete criminal penalties from federal marijuana statutes, but they expect the proposal to win unprecedented attention and support.

SOME SOFTENING

The House of Representatives select committee holding the hearings cannot draft legislation, but seeks to illumine the issue for colleagues such as Rep. Paul G. Rogers (D) of Florida, its third-ranking member, whose own legislative subcommittee has long blocked decriminalization bills.

Representative Rogers appears as antagonistic as ever, but others may be softening. One skeptical member of the select committee, Rep. Robin L. Beard (R) of Tennessee, who worries that decriminalization may lead to outright legalization—making it as available as cigarettes are—says: "I think everyone agrees that young people shouldn't be sent to prison for possessing small amounts of marijuana."

The Carter administration, departing sharply from its two predecessors, is actively pushing decriminalization.

WHITE HOUSE VIEW

"Our position," testified a special presidential assistant, Dr. Peter G. Bourne, "is to discourage the abuse of all drugs, including alcohol and tobacco, as a national policy. At the same time, we believe that the mechanism for discouragement should not be more damaging to the individual than the drugs themselves."

He proposed punishing minor marijuana possession by a citation "similar to a traffic offense," instead of criminal penalties "that brand otherwise law-abiding people for life."

Yet in 1975, some 400,000 Americans were arrested at all levels of government for personal use and possession of the drug. And select committee Chairman Lester L. Wolff (D) of New York estimates 200 persons now are serving prison terms for such offenses.

[From the Lowell (Mass.), Sun, March 17, 1977]

Marijuana Hearings Clouded by Emotionalism

(By David E. Anderson)

Washington.—Rep. Lester Wolff, D-N.Y., at the end of three days of hearings on marijuana observed that use of the drug is "a subject that seems totally obscured by emotionalism."

Surveying the array of witnesses who had testified in his House Select Committee on Narcotics Abuse and Control, Wolff noted "conflicting scientific evidence" that has failed to produce conclusive findings.

Frustration was apparent throughout the three days of crowded and sometimes volatile hearings as members sought to get a handle on the question of whether federal criminal laws regarding possession of marijuana should be changed and eased.

Although the committee does not formulate or handle legislation and has no direct jurisdiction on a pending bill to remove criminal penalties for possessing small amounts of marijuana, Wolff said he wanted to provide a "national forum" for the airing of views.

He said his panel may make recommendations to the appropriate legislative committees later on the proposed legal changes.

Scientists, sociologists, government officials and interest groups all disagreed with one another over the wisdom of liberalizing marijuana laws. Only the witnesses representing law enforcement agencies seemed united in opposing decriminalization.

On Wednesday, Eugene Hollingsworth of California's Department of Justice expressed that consensus succinctly: "Federal decriminalization at this point would be unwise," he told the committee.

He said such an action "would place pressure on the states that would be impossible for them to resist."

Dr. Herbert Raskin of the American Medical Association didn't use the word "pressure"—he said federal decriminalization would set an "example" for state and local governments to follow.

Stressing that the AMA does not "advocate or condone legalization or use of marijuana," Raskin said "because of the presently known facts concerning marijuana, we believe any penalty for personal use should be no more than a misdemeanor."

[From the National Observer, March 26, 1977]

Congress Ponders a Middle-Class Drug: Pot

(By William J. Lanouette)

Marijuana smoking has become middle class.

Once principally the drug of Chicanos and poor blacks, then the syn
antiestablishment rebellion during the '60s, this popular weed is gradu
coming, for many middle-class persons, a recreational drug like tobac
alcohol. And keeping with this change, the U.S. Congress—itself a solidly
class institution—last week began dickering with ways to make mariju
"respectable" in law as it is in some social circles.

No one, including admittedly avid smokers, advocated at congression
ings that the drug be "legalized"—licensed for sale and taxed by Fede
state authorities. But a broad constituency urged that the drug be "dec
ized." They would reduce penalties for possessing small amounts from
demeanor to a civil fine, much like a traffic citation.

The drug's use "is more than a fad and may well prove to be an e
cultural pattern in the United States," says Dr. Robert DuPont, directo
U.S. National Institute on Drug Abuse. "Eight per cent of the nation's hig
seniors report daily use—a larger per cent than report daily alcohol
says.

"USE SHOULD BE DISCOURAGED"

The institute estimates that 35 million Americans have used marijua
that about 15 million are "regular" smokers, puffing a few times a week.
repeatedly emphasized that marijuana use should be discouraged," DuPo
but he adds that he prefers presenting scientific evidence about the drug's
harmful effects to "threatening the user with legal sanctions and puni
within the criminal-justice system. It is clear that the use of marijua
longer an act of protest but a behavior that has for millions entered t
stream of their life-styles."

For the 15 million steady users, a widespread, informal, and illega
bution system has developed, ranging from professional importers who
ton-sized quantities to local dealers who can make a steady living s
circles of regular smokers. One group of dealers, in Gainesville, Fla., o
public with a $10,000 donation to a Jerry Lewis muscular-dystrophy

Most users buy from friends, the standard transaction being a "lid
ounce—which can make 30 to 32 "joints," or cigarets. "Commercial" gr
quently offered for high school- and college-campus sale, often goes for $
a lid, has unpredictable strength, and is frequently laced with twigs and
"Good stuff," at about $25 to $45 a lid, is popular with most regular us
there is also an upper-middle-class clientele, smoking what some pot use
full-strength "connoisseur" variety, for $75 to $100 a lid or more.

THE MARIJUANA MARKET

At congressional hearings last week U.S. Customs Commissioner Vern
estimated that the marijuana market is now a $5-billion-a-year busines
ing perhaps 5,000 tons of the drug in various forms. Most marijuana us
United States is smuggled from Mexico or Colombia, by small plane an
yacht. Acree said his service seized about 380 tons of marijuana last year
than 18,000 raids, but conceded this was a small fraction of the total tr

"It's a *laissez-faire*, free-enterprise market right now," saps Keith
director of the National Organization for the Reform of Marijua
(NORML), which considers itself a consumer group. "Marijuana smoke
independent lot, who prefer to procure their own supplies and roll t
joints. They deal mostly friend-to-friend, so if you want to buy some gr
just have to ask a friend who smokes regularly. In fact, there's an i
threshold you cross, when you move from enjoying grass at other peopl
to buying a supply for yourself. Then there's a very competitive marke
you, with reputations resting on the quality of the stuff and the reli

the supply. The last thing we want is for big business to come in here and mass-produce joints, or the Federal Government to hit us with taxes and quality control."

Stroup told the committee that NORML discourages the use of all drugs—marijuana, tobacco, alcohol. But recognizing that marijuana will continue to be used, he advocates that the Federal Government allow cultivation of small amounts for personal use, as it now allows home production of wine for family consumption. If Federal decriminalization is enacted for simple possession and casual transfers, it would still remain a serious crime to import, distribute, and sell marijuana in bulk.

Eight states have passed decriminalization laws since a Presidential commission recommended that policy five years ago this week. They are Alaska, Oregon, California, Colorado, South Dakota, Minnesota, Ohio, and Maine. Thirty more states are now considering similar changes in their laws, and the most likely to approve them this year are Washington, Kansas, Wisconsin, Mississippi, Pennsylvania, New York, and Massachusetts, as well as the District of Columbia. The Administration testified on Capitol Hill last week that it prefers each state to decide on decriminalization, but also favors a Federal law change by Congress. Studies in Oregon show that marijuana use increased 3 percent since the state decriminalized in October 1973.

Other advocates of decriminalization include the American Bar Association, B'nai B'rith, Consumers Union, American Public Health Association, the National Council of Churches, the American Medical Association, and the National Education Association.

Decriminalization has its opponents. Among those addressing a House committee last week were Los Angeles Police Chief Edward Davis, New Hampshire Gov. Meldrim Thomson, Jr., Dr. John Baird of the Haven Clinic in New York City, and Dr. Gabriel Nahas of Columbia University.

"Older Americans who abuse themselves with alcohol have to some extent made their contributions to society," Chief Davis said, "and hopefully can be replaced if they kill themselves." But "if we want to protect our youth we should continue to criminalize marijuana." He warned about the recognized dangers of driving after smoking pot, and he regretted that there is no simple method to measure marijuana intoxication, as there is for alcohol. "We can't tell about marijuana use on the subject except by an autopsy," he said, "and that would perhaps be to much of a punishment."

COMPROMISING OUR CONCEPTS?

Baird warned that "this state of permissiveness, overindulgence, and being intimidated by the marijuana lobbyists can compromise our basic concepts of what is right and wrong." And Nahas, author of *Marijuana—The Deceptive Weed*, said his research suggests that heavy use of the drug may interfere with the body's immunity mechanisms.

Administration witnesses also stated that no drug is completely safe, but stressed that research to date shows marijuana's effects to be relatively mild. "If criminal penalties were based on medical findings, we shouldn't impose penalties on marijuana," said Dr. Peter Bourne, director-designate of the White House Office of Drug Abuse Policy, "but on users of cigarettes and alcohol." Added Dr. Bertram Brown, director of the National Institute of Mental Health, "Somewhat to my surprise we have not found serious health consequences (of marijuana use), despite $20 million in research."

Yet, after a preponderance of testimony for decriminalization, many committee members seemed reluctant to recommend it.

Notes one congressional staffer: "It's easy for the Congress to say that the Drug Enforcement Administration won't prosecute simple possession under the Federal law, and let it go at that. But in a way it's a vicious circle because Congress won't budge until more states have decriminalized, and many states won't act until Congress does. Unfortunately, marijuana is still a code word with enough old connotations to keep the members from considering it rationally. Maybe it'll take another half-million arrests of middle-class kids before they finally realize the problem up here."

Indeed, at the close of three days' hearings, committee Chairman Lester W of New York concluded in frustration that marijuana use is " a subject that se totally obscured by emotionalism. . . . It is only because it has spread from ghettos to the heartland of America that we are now beginning to take a l at the problem."

United States-Mexico Border

[From the Los Alamos Monitor, April 1, 1977]

KEY TO DRUG TRADE HALT LIES IN MEXICO

WASHINGTON.—The key to stopping the flow of drugs into the United St from Mexico lies below the border, a House committee reported Thursday.

The Select Committee on Narcotics, back from a factfinding tour of South California and Texas, said that U.S. Customs and Border Patrol officers doing a praiseworthy job, "but face insurmountable odds."

They can stop only a small percentage of the illegal drugs coming into the co try, said committee chairman Lester Wolff, D-N.Y. He guessed that it was below 10 per cent.

The committee members, including Rep. E "Kika" de la Garza, D-T broached several ideas for programs that would cut down on the drug traffic its source.

One idea, currently in the discussion stage is an income supplement progr to dissuade the Mexican farmers from growing opium poppies.

It would include elimination of trade barriers to Mexican agricultural produ and U.S. assistance to Mexico in developing alternative crops and light industr for the poppygrowing areas.

Wolff said similar programs had helped to cut down the flow of opium fr Turkey and Thailand, in part because they enlisted the wholehearted cooperat of those governments in stopping poppy cultivation.

De la Garza said Mexican farmers typically make only a few hundred doll for a poppy crop that is turned into opium and heroin worth many times t amount.

He predicted that if the farmers were fully informed about the effect her has on the United States and were given a chance to make enough money to place their poppy income, they would stop growing the flower.

The committee members also called for better intelligence efforts to find about drug shipments before they reach the border. Wolff said President Car should order the Central Intelligence Agency to take an active role in stopp the traffic.

[From the Christian Science Monitor (Boston, Mass.), April 19, 1977]

"SUPER SLEUTH" TAKES AIM AT SMUGGLERS

(By Gary Thatcher)

A new "super sleuth" is awaited here to help combat illegal movement drugs, weapons, and aliens into the U.S. from Mexico.

Code-named "Pathfinder," the new computer system is the latest evidence a growing spirit of cooperation forged between the federal agencies with resp sibility for monitoring the 2,000 mile Southern U.S. border. It is a tool w awesome capacity.

For example, the wreckage of a drug-carrying aircraft in a desolate reg of the U.S. yields few clues to U.S. investigators today.

But, when given the location of the wreckage, Pathfinder will inscribe a cir around the spot, based on fuel tank capacity of the aircraft. Then, using inf mation contributed by various U.S. agencies, a list of clandestine air strips the area and all known drug couriers recently seen in nearby cities will drawn up. The computer will also review past records of who has used the pl for border crossings.

The U.S.-Mexico border has often been likened to a sieve, allowing milli of illegal aliens and vast amounts of drugs to flow northward. And in past, smugglers were aided by bickering among the six federal agencies with border-monitoring responsibility: the Drug Enforcement Administration (DEA), Immigration and Naturalization Service (INS), Coast Guard, Bureau of Alcohol, Tobacco and Firearms (ATF), Federal Aviation Administration (FAA), and U.S. Customs Service.

Some of these agencies seemed more interested in bureaucracy-building than law enforcement. Money was wasted on overlapping (and often ineffectual) enforcement schemes, according to the agents themselves. And each agency maintained a separate border intelligence-gathering system. Sometimes jealously guarded information was not shared with another agency even when it would have been helpful to do so.

But the diverse bureaucracies have found a bit of common ground in this Texas border city. It is the DEA's El Paso Intelligence Conter (EPIC), thought to be the only jointly maintained intelligence facility in the history of the U.S. federal law enforcement. All six border-monitoring agencies have representatives here, as does the U.S. State Department.

Joint staffing even applies to upper-echelon personnel: The Center's director is from DEA, the deputy director from INS.

At its best, the center serves as a central "clearing house" for federal law enforcers by:

Operating a round-the-clock switchboard where field agents can call to seek or supply information about suspect persons, vessels, planes, and autos.

Analyzing collected data to spot broad trends in smuggling of terrorists' weaponry, drugs, and aliens. The aim is to identify and assist in prosecution of high-level violators.

Spotting duplicative enforcement efforts and averting interagency conflicts.

EPIC says it receives some 350 inquiries daily from across the U.S. and Mexico and supplies information to 25 percent of the callers. But most callers do not get their information for about 20 minutes.

One reason for the delay is the time-consuming process of searching 14 separate filing systems, which range from the massive INS file-card records of planes, pilots, and passengers making border crossings to the computerized Treasury Enforcement Communications System (TECS). The latter contains the names, description of their vehicles, and methods used by suspected smugglers of contraband.

Ultimately, Pathfinder will be able to search all these systems virtually simultaneously. Built at a cost of $2 million, it borrows (and, some say, improves upon) computer programming techniques developed at the Central Intelligence Agency and the Pentagon. When the system is in use—presumably by mid-May—EPIC will gain access to classified intelligence data from such exotic sources as the Pentagon's defense mapping service.

The computerized "brain" of Pathfinder is in Washington. The data will be sent to El Paso in scrambled form over leased telephone wires.

But amid these promising developments, problems still linger along the border.

Members of the House Select Committee on Narcotics Abuse and Control, recently returned from a border visit, issued a generally negative report on the overall enforcement effort. But a committee staffer calls EPIC a "bright spot" in the bleak picture.

The Customs Service—which was reluctantly forced to join the EPIC program—has reportedly been less-than-enthusiastic about participating.

A sophisticated military radar installation in Florida, which might detect airborne smugglers flying under the FAA's radar "curtain" along the border, does not provide civilian agencies with information.

EPIC is avoiding full compliance with the federal Privacy Act by virtue of its designation as an "investigative task force." This could be subject to legal attack however.

Methadone

[From the U.S. Medicine, Washington, D.C., May 1, 1978]

"TAKE-HOME" METHADONE PROGRAM CRITICIZED

WASHINGTON—Is methadone treatment beginning to produce problems that eventually could become as serious as the heroin addiction it is meant to control?

This was the question asked by the House Select Committee on Narcotics

Abuse and Control during hearings on methadone diversion, and the answers it received ranged from support of methadone therapy to severe criticism of its purpose and methods.

"Do we really know what is happening" with methadone therapy?, committee chairman Lester L. Wolff (D., N.Y.) asked. Is the "alternative" to heroin addiction "growing into a Frankstein that will become a problem itself?"

While there was near unanimous agreement among witnesses that methadone therapy involves some unknowns, there was disagreement over the benefits it provides patients and the way it should be used.

Specifically, several witnesses said they are uneasy about regulations proposed by the Food and Drug Administration that would liberalize the circumstances under which patients could take home methadone.

Kenneth A. Durrin, director of the office of compliance and regulatory affairs in the Drug Enforcement Administration, said most illicit methadone comes from patient take-home programs.

Although DEA's authority is limited to monitoring production and distribution of methadone, the agency is concerned over the take-home situation, he said.

"We feel that present problems must be dealt with before there is any further relaxation of take-home," he said.

Dr. Stewart L. Baker Jr., associate director for alcohol and drug dependence in the Veterans Administration, likewise questioned the prudence of relaxing the rules for "take-home" methadone.

Dr. Baker said experience in VA clinics indicates "that there is a direct relationship between methadone carried away from the clinic and its increased potential for diversion."

"The opportunity for 'skimming' or selling part of the take-home methadone finds the frequently unemployed, peer-pressured client quite vulnerable for engagement in this rather lucrative, illegal practice," he said.

Dr. Vernon D. Patch, associate professor of psychiatry at Harvard Medical School and former director of Boston's drug treatment program, told the committee he has been calling for an end to take-home methadone since 1975.

Dr. Patch said he halted take-home privileges in Boston's program in 1972.

There were a lot of drop-outs after he did this, but most had returned for treatment within six months, Dr. Patch related.

"Mr. Chairman, members of this committee, you are between a rock and a hard place on this issue of liberalizing methadone regulations and increasing take home methadone privileges," Dr. Patch said.

"If your position is to liberalize, methadone diversion is bound to increase.

"If your position is to tighten or further restrict take home methadone privileges, you must sacrifice quality of care in methadone programs or increase federal funding to permit seven-day per week operation of programs with no take home privileges.

"If you do this, be prepared to deal with the howls of protests from your constituents who live near methadone clinics," he advised.

He said NIDA-sponsored studies of methadone have revealed:

That methadone abuse appears to be concentrated in several major metropolitan areas of the eastern third of the United States. Taken together, these areas account for more than 80 per cent of all methadone-involved hospital admissions.

That methadone abuse is particularly a New York City problem.

That the existence of a take-home policy does not appear to be a predictor of methadone abuse problems in a given community.

That the overwhelming majority of methadone-related deaths occur in combination with other drugs such as alcohol and sedatives.

"Only in 1 per cent of the deaths is methadone alone found to be the cause of death; and among the top 26 problems drugs in the United States, methadone ranked 19th in terms of emergency room visits and 13th in terms of drug-involved death," Besteman said.

Dr. Bernard Bihari, deputy commissioner for substance abuse services in the New York City Health Department, said methadone abuse is most dangerous in poly drug users who only occasionally partake of heroin or methadone.

"These people, because of absence of physical tolerance to narcotics, are in more danger of serious narcotic overdose reaction just as they are in constant danger of overdosing with other drugs of abuse, such as barbiturates, placydil, Valium, etc.," he said.

"These are people who abuse and may overdose from any drug available."

Dr. Bihari said the problem of illicit methadone must be viewed in the "proper perspective."

"It is a problem that if viewed in a distorted or over-emotional fashion could be quite seriously exaggerated, and in consequence could result in inappropriate responses," he cautioned.

For example, he said adopting a "no-take-home" policy would drive many patients back to heroin and criminal activity.

Ed Mencken, vice president of Project Return Foundation in New York City, one of the largest drug-abuse treatment programs in the country, took issue with the value of methadone maintenance at all.

"We must recognize once and for all that the move toward methadone maintenance as a desired vehicle to contend with drug addiction is entirely symbolic of failure and the final refuge for frightened and frustrated policymakers," he told the committee.

Mencken said if the proposed methadone regulations are implemented, a growing number of persons will become "more strongly addicted to methadone than they were to opiates."

"Let us recall," he warned, "that when heroin was introduced in the United States it was presented as a miraculous analgesic which would cure morphine addiction and numerous other ills."

Placing addicts in methadone therapy, he said, is to tell them they have "no hope" of ever being free of drug addiction.

Dr. J. Richard Crout, director of the Bureau of Drugs in the Food and Drug Administration, said the proposed new regulations are designed to make sure that only patients who have been "well screened" will be able to take methadone home.

"Although methadone diversion stems from several sources, including inappropriate prescribing of methadone by some physicians, illicit sale by some treatment program employes and thefts from treatment programs and pharmacies, it is recognized that a source of methadone diversion is take-home medication," Dr. Crout observed in his testimony.

He said the proposed regulations for the first time would allow patients to take home as much as six days' worth of methadone (the current regulations allow only two days' worth). But they also "retain the current provision which prohibits more than one-day take-home medication to those individuals who receive more than 100 mg per day."

In addition, the proposed regulations list strict criteria which a patient must meet before he is allowed take-home privileges, Dr. Crout noted.

Karst J. Besteman, deputy director of the National Institute on Drug Abuse, pointed out in his testimony that although 85,000 addicts receive methadone treatment, "nearly two-thirds of drug abuse treatment does not use methadone."

DESIGNED TO REDUCE ILLEGAL TRAFFICKING

The proposed revisions in current methadone regulations are designed in part to reduce the opportunities for "diversion," Dr. J. Richard Crout assured the House committee.

Specifically, he said, the proposed revisions would:

Require a detailed physical examination prior to admission to methadone treatment—assuring that only addicts are admitted.

Require specific reviews and certifications by physicians to ensure that "medically appropriate" doses are administered.

Preclude the hiring of any health professional not certified or licensed by the state.

Require physicians to consider a 12-point evaluation of a patient's potential for diversion before approving take-home privileges.

Require development of a treatment plan for each patient which must be reviewed every 90 days in the first year and twice yearly thereafter.

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Require urinalysis testing of the patient at admission and subsequent testing "as necessary."

Require periodic evaluation of the patient's eligibility for discharge.

"A greater responsibility is placed on program physicians to review patient treatment plans and to screen patients for take-home privileges, as well as for treatment progress in general," Dr. Crout said.

Hawaii

[From the Honolulu Star Bulletin, Saturday, July 3, 1978]

MORE MONEY NEEDED TO CURB DRUG TRAFFIC

(By Jim McCoy)

The dilemma lawmakers face when they divide up taxpayers' money to deal with the nation's narcotics problem was emphasized in Honolulu during last week's congressional hearing on narcotics.

Lawmakers from the House Select Committee on Narcotics Abuse and Control, in the first of two hearings, heard testimony on ways to prevent hard drugs from being smuggled into the United States.

In a second hearing, they heard what is being done to assist the current and future victims of the drug traffic.

In both hearings, the need for more money was the plea heard from the drug enforcement people, who basically see the answer to the drug problem as cutting off the supply; and from the rehabilitation and drug education people, who want to get the addicts off the stuff and prevent others, through an extensive education program, from experimenting with harmful drugs.

While the goal of groups is to eliminate drug abuse, there are some conflicts between the "get tough" law enforcers, who often point to the fantastic and untaxed profits being made at the expense of the nation's junkies, and those who feel drugs are going to be always available in our society regardless of the penalties involved.

The conflicts are in the area of deciding whose program gets how much in federal funds.

Anticipating the scramble for money, the law enforcers and rehabilitators brought before the congressmen two men who were once involved with heroin. One man was a Mainland college student who transported heroin across the Pacific Ocean before being caught at Honolulu Airport.

The other was a local heroin addict who broke the habit through Habilitat, a Kaneohe-based therapeutic community which depends in part on government funding.

The reason more funds for better enforcement of drug laws are needed was vividly displayed during the Friday hearing at the state capitol auditorium and a follow-up Saturday visit by congressmen to U.S. Customs at Honolulu International Airport.

Midway through testimony delivered at the Friday hearing by Jerry N. Jenson, regional director for the Drug Enforcement Administration (DEA), congressional aides hurried to a nearby doorway and Jenson, who is the top federal drug agent for California, Hawaii, Nevada and Guam, was asked to step aside to make way for the "mystery witness."

Following a 10-minutes wait, a man whose identity was cloaked by a black hood made his dramatic entrance.

Flanked by the DEA agents who arranged the appearance of the former drug "mule," or courier, the witness told seven congressmen and an audience of more than 100 persons how he purchased heroin from a Hong Kong dealer and transported the drug to the Mainland via Hawaii.

The mystery witness, who said he never used heroin but smuggled the drug for a Mainland drug-dealing group, said he did it to finance his college education.

And he added that purchasing the heroin "was as easy as buying a pack of cigarettes."

Narcotics committee chief counsel Joe Nellis, noting the high purity of the Asian heroin, estimated the witness could have made $2.7 million if he diluted the heroin to street level purity and sold it himself.

The hooded man's testimony and others given by officials such as John Y.Y. Lee, special agent in charge of the Honolulu DEA office; George Roberts, director of the Honolulu customs office; and H. C. Chee, Honolulu postmaster;

prompted a Saturday morning trip by the Congressmen to the airport and its customs operation.

Federal, state and county officials contend Hawaii is geographically centered to be an important link on many of the world's major narcotics routes.

And the drug enforcement officials believe that the majority of heroin and cocaine is trafficked into the United States by commercial and private airplanes that stop and refuel at Honolulu Airport, which is among the 10 busiest in the country.

The same goes with the island's bountiful marijuana crop, the officials contend, except that much of the pot is also transported out of Neighbor Island airports and boat launches.

Any traveler entering the United States from a foreign country must have his baggage inspected by U.S. Customs agents. The baggage is first sniffed by a dog specially trained to detect drugs, and then inspected by a customs agent.

Passengers on domestic flights, including flights from here to the Mainland, are not required to be so thoroughly inspected.

Only one in 100 major narcotic arrests arise after agents learn that a certain person is smuggling illicit drugs, explained Lawrence Barone, chief of the airport's customs branch.

Ninety-nine percent of the seizures of drugs and other contraband made by customs officials are "cold hits," meaning the agent inspecting the traveler had no prior information that the traveler may be a courier of contraband, but found the contraband through a combination sixth sense and a thorough body and baggage search.

There are numerous ways to smuggle drugs, the congressmen were told. Customs official Roberts said the "familiar practices" are:

Secreting drugs aboard an aircraft at an originating point by someone having access to the plane. The drugs can be stored in several places and can be removed by a variety of methods, including by an "accomplice" to the drug dealers who is a member of the flight or ground service crews.

Secreting drugs in air cargo which is intercepted at the destination point by an accomplice who removes the drugs prior to customs inspection. The drugs could be placed in specially marked bags which accomplices at the other end of the flight could recognize and remove prior to customs, Roberts said.

Roberts also talked of the problem of policing Hawaii's hundreds of miles of coastline for ships or pleasure craft that carry drugs arriving from foreign ports.

"Approximately 900 commercial surface vessels enter island ports annually," he said. "These vessels import many thousand tons of foreign cargo. The opportunities for drug smuggling are enormous. The increasing containerization of cargo presents another significant obstacle to customs' examination of this cargo."

Roberts said a major problem in looking for drugs aboard ocean-going vessels is that each is allowed a 24-hour-period after arrival in Hawaii to report to harbor Customs agents for inspection of their cargo, a time-frame considered more than adequate to unload contraband.

Commenting on the large amounts of Island-grown marijuana which somehow get to the Mainland via boats and planes, DEA agent Lee told the congressmen that "there are indications of involvement by employees of commerical airlines in the organized exportation of marijuana."

Then there is the mail service which is used to transport narcotics. Honolulu postmaster Chee said packages and mail arriving from foreign pots is sniffed by a specially trained dog. One dog sniffs all 150,000 pieces of mail that arrive from foreign ports each week.

Chee told the Congressmen that on "very rare occasions" does he hear of a drug seizure being made by agents based on the work done by the dog.

Another sieve at the airport witnessed by the congressmen was an area where foreign arrivals can mingle unsupervised with domestic passengers before the foreign arrivals and their carry-on baggage are inspected by custom agents.

The mingling can take place as the foreign and domestic arrivals leave their planes and travel to baggage claim and customs areas on Wiki-Wiki buses.

Conceivably, a foreign arrival could slip a packet of drugs to a domestic traveler who doesn't have to undergo customs' inspections.

It is the airlines' responsibility to keep their international passengers away from domestic arrivals, and they can be fined $500 if they fail to do so, according to customs officials.

But they claim that airlines often do not do their job and drugs are being transferred while passengers mingle.

Roberts, who has asked that his airport customs staff of 60 inspectors be doubled, said lack of manpower is the reason these transfers are successful.

More manpower will also allow the customs inspection to be more thorough and more narcotics will be seized, Roberts said.

But while he said he could use 60 more inspectors, Roberts wryly noted for the congressmen that the national U.S. Customs budget this year allows for only 48 new positions over the entire country.

Due to the lack of manpower, inspectors admit they are not as thorough in their search for narcotics as they would like to be. They say they often are rushed and do not open baggage or search persons if their "sixth sense" tells them that the passenger standing before them probably isn't carrying drugs.

Florida

[From the Miami Herald, June 14, 1978]

STEM FLORIDA DRUG INFLUX, CARTER TOLD

(By Tom Fiedler)

WASHINGTON.—A congressional committee demanded Tuesday that the White House step up the battle against drug smuggling in Florida by opening a multifaceted attack on the narcotics trade within two weeks.

The announcement by Chairman Lester Wolff of the House Select Committee on Narcotics followed a stormy two-hour closed meeting of the panel and federal agency directors.

Various committee members said after the session that marijuanan and cocaine smuggling into Florida is so rampant that only a full-scale federal response has a chance of curbing it.

The panel agreed to "demand, not request" that President Carter take immediate action on several fronts to combat drug traffic, primarily marijuana and cocaine-smuggling from Colombia.

A massive and immediate infusion of federal law-enforcement agents into Florida was urged. The panel also suggested that the Air Force and Navy be used to intercept drug smugglers en route from Latin American suppliers.

Wolff, whose committee held two days of public hearings in South Florida last week, said Tuesday, "What we saw in Florida would be akin to a natural dissaster."

But not everyone on the panel was optimistic about quick results.

"This is the third president in a row who has been asked to declare war on drug smuggling," said Rep. Lou Frey (R., Fla.) "It seems that the more times we declare war, the less that gets done. I'll believe it when I see it."

However, the consensus among committee members was that their suggestions at least would focus White House and national attention on Florida's role in drug trafficking.

White House adviser Lee Dogoloff told reporters that Carter was aware of the drug flow and would take steps to combat it.

But, he added, "We'd be kidding ourselves to think that solving the problem for Florida will solve it for the rest of the country."

Florida Gov. Rubin Askew said through a spokesman that he would "welcome any help we might get." But he added that the panel "isn't telling us anything we don't already know."

The panel members are recommending that:

Carter establish a special Florida task force to oversee a crackdown on smuggling. The task force should include representatives of the Drug Enforcement Administration (DEA), the Coast Guard, Customs, the State Department and the Justice Department.

Agents be sent into Florida to bolster local DEA and state officials. These agents should be equipped with whatever they need to operate against smugglers.

The Air Force and Navy be used to combat the flow of narcotics from Latin America. Most of the drugs are either smuggled in by boat or plane.

The White House work out an agreement with Colombia to exchange information that could help prosecute smugglers. State Department official Mathea Falco said later that diplomatic agreements have been reached and the exchange will begin in two weeks.

Pressure be brought on South Florida federal judges for harsher drug sentences. DEA chief Peter Bensinger told reporters that South Florida federal Judges have been far more lenient than their counterparts elsewhere on sentences for identical crimes.

U.S. District Judge Norman Roettger said in Fort Lauderdale Tuesday that he had been lengthening drug sentences. "I thought they needed to be stiffer in order to be more of a deterrent," he said.

He said Florida sentences have been lighter than those in, for example, Texas, but had been harsher than sentences in New England states.

WHAT THE COMMITTEE WANTS

The House Select Committee on Narcotics called for these steps to be taken to combat drug trafficking in Florida:

Augment the U.S. Drug Enfrocement Administration's South Florida forces by moving agents and equipment into the area from elsewhere in the nation, and by using Air Force and Navy patrols.

Form a new anti-smuggling task force for Florida composed of the DEA, the Coast Guard, Customs, the State Department and the Justice Department.

Coordinate prosecution of smugglers with officials in Colombia, the source of much of the marijuana and cocaine smuggled into South Florida.

Urge federal judges in South Florida to impose harsher sentences on convicted narcotics violators.

[Fom the Washington Post, Wednesday, June 21, 1978]

Drug Running in the Southeast

A legal loophole is complicating efforts by drug-enforcement officials to staunch the flow of marijuana and cocaine from Latin America into the southeastern United States. That region has become the major channel of the drug traffic since enforcement efforts focused on California and the Southwest began to take hold. Most of the drugs reaching the area are being transported by seagoing cargo ships to locations outside the 12-mile limit of U.S. territorial waters. There they load their illicit cargo aboard small, fast "courier" boats for transport ashore. Federal officials can and do intercept these boats as they head toward shore. But, obviously, it would be more effective to confiscate the drugs before they leave the mother ship and to arrest the crews.

That effort, however, has been hampered not only by the need for international cooperation in combatting drug smuggling, but by a serious omission in U.S. drug laws. Because of the omision it is no crime now for a U.S. citizen or a U.S.-registered ship outside territorial waters to have illegal drugs aboard. Civil statutes allow the drugs and the ship to be confiscated. But there can be no criminal prosecution of the people (whether American or foreign nationals) involved unless intent to smuggle the drugs into the United States can be proved. The huge amounts of money involved in even a single large drug transaction reduce the practical effects of the loss of one cargo ship to almost nothing. Thus, the deterrent effect—prosecution of the drug runners—is lacking.

Drug officials are urging a revision of federal statutes and international treaties to amend that oversight. In our view, that's a good idea. They've also begun applying a federal law, originally enacted during Prohibition, that allows the Coast Guard to board any vessel outside territorial waters if it can prove that U.S.-registered boats have tried to smuggle some of the ship's cargo ashore. A White House task force also is studying other ways—including closer cooperation with other countries and the use of military radar planes to track suspicious cargo ships on the high seas—of combatting seaborne drug smuggling. These are welcome actions. They show that drug officials have learned well a lesson of the past decade: The pervasive, corrupting effects of the drug trade make it imperative to respond quickly whenever it makes a new appearance.

[From the Commercial Appeal (Memphis, Tenn.), July 23, 1978]

South's Drug Flow Is Eyed By Carter

Washington—The White House has outlined plans to combat large-scale marijuana and cocaine smuggling in the Southeastern United States.

Lee Dogoloff, associate director of President Carter's domestic policy staff, said at a congressional hearing Friday that the region may be responsible for as much as 80 per cent of the nation's illicit marijuana and cocaine traffic.

Among planned measures, Dogoloff said, are:

The assignment of additional Drug Enforcement Administration (DEA) agents, customs personnel and U.S. attorneys to the area.

A Defense Department loan of surplus aircraft to customs for surveillance, and some surveillance activity by the Navy.

New legislation to close loopholes in the prosecution of smugglers.

A new customs task force to investigate the illicit flow of money in and out of the country in connection with drug transactions.

"The financial dealings connected with the illegal drug traffic through south Florida alone are estimated at several billion dollars per year," according to Dogoloff.

Plans for increased enforcement were requested by the House Select Committee on Narcotics Abuse and Control.

[From the Miami Herald, July 26, 1978]

STATE CALLED DRUG HAVEN IN STUDY

(By Tom Fiedler)

WASHINGTON—A year-long House committee investigation of the Florida drug situation has found that illegal narcotics trafficking now is the state's biggest business—eclipsing tourism and agriculture.

The report, by the staff of the House Select Committee on Narcotics, attributed part of the dramatic increase in Florida drug trafficking to the marijuana-spraying program in Mexico.

Because of the success of that program, in which the herbicide paraquat has been sprayed on Mexican marijuana fields, the report said that Colombia has replaced Mexico as the United States' chief drug supplier.

Most of the marijuana that originates in Colombia, the report said, enters the United States through Florida. As a result, the report characterizes South Florida as "a prime gateway for the East Coast," both for the illicit importation of marijuana and for large amounts of cocaine refined in Colombia.

Studies conducted by the National Institute on Drug Abuse have found that marijuana sprayed with paraquat can cause serious lung diseases. The report said that is one reason drug smugglers have turned to Colombia and other Latin America countries for their supply.

That conclusion is among several coming out of the committee's investigation into Florida's apparent key role in drug smuggling.

Largely as a result of those hearings, the panel described the South Florida situation as a "national emergency" and successfully appealed to the White House to lead a full-scale crackdown on the narcotics trade.

Among the panel's findings:

Since the paraquat-spraying program was instituted, narcotics trafficking has become a $7-billion-a-year business in Florida, making it "the largest single commercial activity" in the state. The report said that the bulk of that trade, about $6.5 billion, is in high-grade Colombian marijuana. The remaining $500 million is in cocaine.

The tremendous potential for profit and low risk of prosecution have enticed "prominent people without criminal records" into the trafficking. It said, without elaboration, that "bank officials have been bribed to aid money-laundering"—the practice of running cash profits from narcotics through financial institutions to disguise the origins.

Despite increased recent efforts by the Drug Enforcement Administration, the U.S. Customs Service, the Coast Guard and other federal and local law enforcement agencies, less than 5 per cent of all the drugs coming into the state are confiscated. Moreover, it said, these agencies are handicapped by "severe shortages" of resources and personnel.

Organized crime figures have been attracted to the area by the narcotics trade. The report said these crime figures have become "heavily involved" in the service industries in Florida, the labor unions, the construction industry "and every conceivable type of private business, particularly those with high cash receipts and low record keeping, such as restaurants, banks and legalized gambling operations."

Moves to decriminalize marijuana "in small quantities for personal use" have increased the demand and led to high profits for traffickers.

Florida courts, including the U.S. District Courts, have been "25 per cent more lenient" than their counterparts elsewhere in the country. It also said that smugglers consider the risk of arrest and conviction in South Florida as "an acceptable cost of doing business."

The report also noted that in the Miami area, drug traffickers have become akin to folk heroes.

"Ordinary citizens expressed grudging admiration for the cash fortunes these purveyors could muster," it said.

Special Populations—Elderly, Veterans, Prisoners, Minorities, and Women

[From the Times-Union, June 16, 1978]

IMPROPER MEDICATION OF ELDERLY BEMOANED—EXPERTS URGE PROPER TRAINING IN DRUG USE

(By Carol R. Richards)

WASHINGTON—Experts on senior-citizens' suffering bad reactions from medicine told Congress yesterday that the federal government is spending too much money curing young addicts and too little in helping prevent drug abuse among the elderly.

Officials from the National Institute on Drug Abuse and the National Institute on Aging agreed.

The comments came at a hearing of the Select Committee on Narcotics called by Chairman Lester Wolff, D-N.Y., because of a growing awareness that senior citizens are often made ill—sometimes fatally—by drugs prescribed for them by their doctors or taken on their own.

Wolff said problems include "over and under-medication, improper dosages, adverse effects of the combined effects of several drugs prescribed by different specialists, as well as the combination of drugs with alcohol, self-medication and use of outdated drugs."

Two witnesses had personally counseled elderly people suffering drug reactions.

Ronald J. Gaetano, director of the Broome County Drug Awareness Center in Johnston City, N.Y., said he was called one day to help a "severely confused and disoriented" older woman. It turned out a variety of specialists had given her prescriptions for Antabuse (to treat an alcohol problem); Hygroton, Minipress and Lasix (for high blood pressure); a potassium supplement; Inderal (for heart and circulatory problems); Sinquan (an antidepressant); and Carpbrital (for sleep).

"There was no question about the fact that this person had not intentionally misused any of these drugs," said Gaetano. The problem might have stemmed from inappropriate prescription by her doctors or by her own misunderstanding of the way to take the pills. "Whatever the contributing factors, this person became totally incapacitated by legal drugs, good useful drugs, that had been prescribed for legitimate medical reasons," he said. "She was hospitalized and the medication regimen was revised."

Gaetano complained that the National Institute on Drug Abuse "spends approximately 70 percent of its budget on treatment, most directed toward 2 percent of the drug-taking population—the hard drug user—when 25 percent of all drugs in America are being used by senior citizens."

Like Gaetano, Louis J. Rubenstein of the Alexandria, Va., Task Force on Older People and Medications, deals firsthand with troubled elderly people.

"Local hospitals report that older people are the single largest group suffering drug-related emergencies," he said. Alexandria's Community Alcohol and Drug Education Office gets complaints from people saying "their parents are so heavily sedated that they seem half-alive. Professionals working with the elderly, such as nurses and leaders of senior citizen programs, tell the office that many are making such serious mistakes with medications that they are ending up in the hospital."

Gaetano and Rubenstein, both pharmacists, said they believe the problem can be curbed if senior citizens are trained in proper drug use. Such education programs can be locally funded, like theirs, or federally assisted, they said.

[From the Staten Island Advance, July 26, 1978]

VA Drug Programs Serve 55,000 Viet Vets a Year

(By Susan Fogg)

Washington—Vietnam era veterans make up 55 percent of the patients in Veterans Administration drug treatment programs—almost double their proportion in the ranks of veterans from all wars.

The majority of drug-dependent Vietnam veterans did not pick up their habit in the service, according to congressional testimony by Dr. Jack R. Ewalt, director of mental health for the VA.

Most had been drug users before entering the service, Ewalt told the House Select Committee on Narcotics Abuse and Control headed by Rep. Lester Wolff (D-N.Y.).

Noting that for every abuse drug except alcohol Vietnam veterans account for at least half of addiction patients, Ewalt said: "Vietnam veterans make up 28 percent of our total veteran population; therefore, they are over-represented among our drug abuse patients."

But Ewalt noted that studies by Washington University of St. Louis show that 95 percent of veterans who began to use heroin while stationed in Vietnam gave it up when they came home.

Because of this, the VA is treating only 55,000 veterans a year although estimates of the numbers of drug users among combat veterans had ranged as high as 500,000.

There has been a gradual decline in the number of drug users the VA is treating, but Ewalt said this trend has been inconsistent—with sharp drops in some treatment centers and increases in others.

"Another disturbing phenomenon is that many patients come in with multi-abuse syndromes," Ewalt said. "The former pure heroin addict is being replaced by one who combines heroin with PCP (an animal tranquilizer known popularly as "angel dust"), various tranquilizing and sedative drugs, marijuana, and alcohol."

Users of heroin and other opium derivatives make up the largest single group of VA drug patients almost half—followed by alcoholics and multiple drug users who combine alochol, abuse with other recreational drug use.

About 40 percent of veterans being treated for heroin addiction have been placed in drug-free programs employing group and individual psychotherapy and run with counselors who are ex-users. These are usually veterans with a history of less than two years of narcotics use. About 14 percent of the patients in these drug-free programs suffer relapses, Ewalt said.

Veterans with a longer history of heroin use are placed in methadone maintenance programs, although Ewalt said the aim of these programs is a drug-free existence.

A study of 1,700 veterans who had been treated for a variety of drug abuse problems showed that among the heroin users, only 10 percent were using heroin four years after entering treatment.

Asked about the relapse rate, Ewalt said: "When you look at diseases like diabetes, gout, arthritis or addiction, you judge them less in terms of cure than of remission—and you can count remission in terms of hours, days, weeks or years."

[From the Indianapolis News, August 10, 1978]

Drug Dependency Programs Expand

(By David Rohn)

A growing part of the Federal corrections system is a Drug Abuse Program to assist prisoners whose crime problems are related to drug problems.

Norman A. Carlson, director of the Federal Bureau of Prisons, estimated in recent testimony before the House Select Committee on Narcotics Abuse and Drug Control, that 29 per cent of all offenders in Federal prisons have a history of drug abuse with heroin or other drugs, not including marijuana.

In 1968 the Bureau established three pilot programs for drug dependency offenders. These programs have since been expanded to 20 of the 38 Federal institutions, including the Federal Penitentiary at Terre Haute, serving an estimated 2,700 offenders with drug and alcohol problems.

Passage of the Narcotic Addict Rehabilitation Act permitted Federal judges to sentence offenders to the Federal drug programs with the length of their sentences determined in large part by the success of their drug dependency rehabilitation.

NO "CAUSE, EFFECT"

"From experience," Carlson testified, "we have learned that addiction and criminal behaviour frequently develop simultaneously. There is no cause and effect relationship."

According to Carlson, because of a growing number of inmates with drug problems but not sentenced under the NARA provisions, the drug abuse programs have been expanded to make all offenders eligible.

Carlson stressed that not all prisoners with drug problems participate in the programs. He noted that prisoners serving lengthy sentences are generally not admitted in the programs until near the end of their sentences because it was learned that many offenders who had long sentences remaining after being involved in the program lost all of the benefits they gained by the time of their release.

"COERCED TREATMENT"

Prisoners who are not motivated to be in the programs are not required to participate. Carlson said research into "coerced treatment" raised significant questions about its effectiveness.

In addition to receiving help while in prison, inmates who are released receive "aftercare" assistance, which includes continued counselling and urine testing to check for drug usage. This counselling is contracted through the U.S. Probation Department.

Carlson indicated the bureau is also carefully monitoring drug trafficking in the prisons. Random urine tests of inmates reveal positive results in about two percent of the prison population.

W. W. Pence, chief probation officer here, said persons seeking sentencing under NARA are first sent to Federal facilities at Lexintgon, Ky., to determine if they are treatable. He said a prisoner sentenced under NARA could serve up to 10 years or be released whenever he is cured.

Glenn Lloyd, community programs officer here, said many inmates are paroled under the condition that they participate in drug counseling programs. "We solicit service with a clinic or psychologist for drug counseling," Lloyd said, "but basically we are a contracting agency, with the Bureau of Prison monitoring program."

Lloyd conceded that the division of responsibility between the Bureau of Prisons and the Probation Department does create some bureaucratic problems.

There is legislation before Congress to transfer full authority for aftercare services to the Probation Department.

Noting that it is difficult to measure the effectiveness of drug abuse programs, Carlson said, "Evaluation requires the tracking of individuals for a substantial period of time following release in order to determine whether or not they remain free of re-addiction and lead a crime-free life.

"On balance, we are pleased with research results to date. They indicate that re-addiction and re-commitment rates are considerably lower than generally assumed."

[From the Enterprise (Jackson, Miss.), July 15, 1978]

ASIAN DRUG ABUSE EXPERT TESTIFIES BEFORE HOUSE COMMITTEE

Tommy Chung, a nationally recognized authority on drug abuse problems within the Asian-American community, has become the first Asian American to give formal testimony before the House Select Committee on Narcotics Abuse and Control. He represented the National Asian Pacific Substance Abuse Network (NAPSAN) of which he is president. NAPSAN is a national organization of substance abuse workers, community and social workers, and others concerned "about the problems of drug and alcohol abuse among Americans of Asian-Pacific Island heritage.

Mr. Chung first entered the national spotlight through his association with the Multi Cultural Resource Center (MCRC) for drug abuse prevention. MCRC consisted of indigenous experts from the five major minority groups—American Indian, Asian-Pacific Island, Black, Chicano, and Puerto Rican who contracted with the National Institute on Drug Abuse to produce prevention materials.

Chung told the Committee that according to the 1970 Census there are approximately 2 million Asian Pacific Americans in the United States. Of this number about 600,000 were Japanese, 450,000 were Chinese, 350,000 were Filipino and the remaining population of Asia-Pacific Americans not defined in the Census. Further, that there had been a sharp increase in the last eight years, especially in California. Some are estimating a doubling of the Asian Pacific American population by the time of the next census.

He said that these communities are currently underserved and that existing services are not being utilized, often because they are not culturally orientated. Drug abuse is considered a major threat. However, Mr. Chung asserted that this fact is generally not recognized and appreciated by the government and the public at large because of the Asian drug abuser's "invisibility." He urged that assessment instruments and other data gathering mechanisms be modified so as to more adequately reveal the real incidence.

The Los Angeles based Chung was critical of the failure of governmental agencies and commissions for not including Asians in their appointments of positions of power. He concluded his remarks by offering the following recommendations:

1. That Asian-Pacific Islanders be given full recognition as citizens and residents of the United States by their visible inclusion in all facets and levels of the substance abuse field.

2. That data collection systems (CODAP & DAWN) provide the necessary instruments to accurately identify service populations of the various Asian-Pacific Island communities.

3. That Affirmative Action requirements be enforced throughout the Federal and State Substance Abuse Network.

4. That culturally relevant training opportunities be provided to Asian-Pacific Island workers in the substance abuse field.

5. That Asian-Pacific Island resources for Training, Technical Assistance and Research be identified and supported by all Federal Agencies involved in substance abuse.

6. That Asian-Pacific Island bidders and vendors be actively sought to provide culturally sensitive services by all Federal substance abuse serving sources.

7. That adequate resources for Treatment and Prevention Activities in Asian-Pacific Island communities for drug and alcohol be provided.

8. That the National Institute on Drug Abuse be especially considerate of serving special populations of Asian-Pacific Islanders, including youth, elderly, women.

[From the News American (Baltimore, Md.), June 20, 1978]

Mikulski Wants Help for Women 'Junkies'

(By Lee Belser)

Washington—One hundred million prescriptions are written each year for tranquilizers, 60 million for analgesics, 28 million for barbiturates and 14 million for amphetamines.

And who uses all these drugs? Mostly women.

The statistics were ticked off by Rep. Barbara Mikulski, D–3rd, before a House panel which is attempting to find out why so many American women are becoming alcoholics and junkies.

Ms. Mikulski lays the blame largely at the door of the doctor's office, the pharmaceutical firms and, so far, the indifference of the nation's lawmakers.

"The data has been available . . . but the problem was ignored," the congresswoman said.

"Then Betty Ford, a former First Lady, announced she was addicted to both drugs and alcohol. What a courageous woman! And now there is interest but we also know the media-hype will fade and so will society's concern."

Ms. Mikulski pointed out that even though Mrs. Ford was an important patient and received the best of medical attention for her breast cancer and arthritis, she had to take the initiative in curing herself of drug-alcohol addiction.

"Apparently not one doctor recognized her addiction and was willing to help her," Ms. Mikulski added.

In testimony before the House Select Committee on Narcotics Abuse and Control, the congresswoman charged that the health delivery system in the U.S. is a "disaster," thanks mainly to "patronizing" physicians.

"Women aren't equal in our society under the law and they certaintly aren't in the doctor's office," she said.

"Doctors prescribe a variety of medication to one woman—the pill (known to be harmful), librium and medication for high blood pressure.

"The doctor also knows his patient has a couple of drinks most evenings. What is the synergistic effect—all of these drugs bubbling through the women?

"Does the doctor even know?

"And if the woman should have the nerve to inquire what the effect might be, the doctor usually responds in a very patronizing way, 'Of course it's OK—I wouldn't prescribe anything that wasn't good for you, dearie.'

"These women should be encouraged to ask their doctors, will these drugs make me a junkie?"

Ms. Mikulski said there are certain times in a woman's life when she is more vulnerable to drug dependence, such as when her husband deserts her for a younger woman and she is left to raise the kids and pay the mortgage.

"The doctor assumes that she will adjust to her new role," Ms. Mikulski said. "And the doctor assumes that this adjustment will come with a little valium and a new man."

The Maryland congresswoman also ridiculed pharmaceutical ads in medical oriented magazines depicting women whose tensions and anxieties have been controlled by the drugs they peddle.

"Look at these pictures," she said. "Look at the copy. It's no wonder women are drugged and doped up in this country."

Ms. Mikulski today urged the committee not to recommend more money to study the victim but to spend some money to treat the victim.

"Ask the owners of the pharmaceutical companies why they use the ads they do," she added.

"Ask doctors if they know the effect of valium, the pill and medication for high blood pressure when it's all combined in one female human being.

"And if they don't know, ask them why they prescribe all that medication without warning to the patient."

Ms. Mikulski said data indicates that 90 percent of drug overdose incidents in emergency rooms involve women using readily available drugs and that at least one in three alcoholics are women.

The Military

[From the Washington Star, April 27, 1978]

MILITARY DRUG USE SEEN AS THREAT TO NATIONAL SECURITY

(By Lance Gay)

Last December, while the U.S. aircraft carrier Midway was sailing from Singapore to Subic Bay, the Navy conducted urine tests on some of the sailors and found that more than 20 percent were using opiates or heroin.

Last year the heroin overdose rate for U.S. Army personnel stationed in Europe increased by an alarming 50 percent to a level three times that of the average for U.S. cities.

And reports by Carter administration officials who have toured bases in Germany indicate that there has been a marked increase in the availability of cheap high-quality heroin in recent years.

Furthermore, one Carter aide heard "anecdotal estimates" that heroin use may be as high as 40 percent of some units on the front line of Western Europe's defense against the Soviets. And among those involved in drug abuse are military personnel assigned to sensitive nuclear warhead missions.

Today the House Select Committee on Narcotics Abuse and Control issued the results of a year-long investigation into drug use in the military that indicates drug abuse, while on the wane since the Vietnam war, still poses serious problems for the nation's security.

"The committee is certain that regular drug use does have an adverse effect on the combat readiness, job performance and morale of our armed forces," said Rep. Lester L. Wolff, D-N.Y., chairman of the committee.

At the opening session Rep. Glenn English, D-Okla., released the results of a poll of 2,350 military personnel world-wide which attempted to assess the impact of drug use.

About 85 percent of the officers responding to the survey said they believe drug abuse is hurting combat preparedness, discipline and overall effectiveness of military personnel. Over 90 percent said that overall job performance is being adversely affected, and 71 percent attributed morale problems to drug abuse.

Some 75 percent of the officers believe that at least half the lower-ranking personnel are using marijuana at least once a week and 77 percent believe that heroin is being used at least once a month by a small number of personnel.

Officers also reported significant use by lower-echelon personnel of cocaine, barbiturates and amphetamines.

"We have a serious problem," acknowledged Vernon McKenzie, acting assistant secretary of defense for health affairs.

"Generally the seriousness of the problem is proportional to the availability of drugs in a given area and inversely proportional to the effective attention given the problem by the local commander.

"With few exceptions, the military drug-abusing population consists of the enlisted men or women in the 18-to-25-year-old age group," he said.

"They seem to use drugs primarily for recreational purposes while off duty. The most prevalent drugs of abuse are the cannabis derivatives—marijuana, hashish and hashish oil. Thereafter the drug of choice depends on the availability in the part of the world in which the service member is stationed.

"For example, in Korea it is barbiturates and in Germany it is heroin and methaqualone among Army personnel and amphetamines on Air Force bases. In the United States we see nearly everything—use of LSD is down, but use of PCP and cannabis is on the rise," he said.

McKenzie said that there is more abuse of drugs among troops stationed outside the United States. "We find that when young servicemen are moved to a location where drugs are cheap and readily available, where they are lonely and separated from the restraints of their families, where living conditions are difficult and sometimes dangerous, the conditions for drug abuse are present."

He said the military is beefing up the number of spot tests for drug use and that it is his goal to reduce hard drug use by about 15 percent in the coming year.

In a letter sent to Secretary of Defense Harold Brown March 1, Dr. Peter Bourne, special assistant to President Carter for drug programs, said he was alarmed by the reports of increasing drug abuse, particularly in Western Europe.

"We face the potential for serious embarrassment if we do not deal aggressively with this problem, particularly in light of the strong congressional interest," Bourne told Brown in the letter, which was obtained by the committee.

"I would like to demonstrate that the administration is clearly in the lead on this issue," Bourne said.

Bourne said the administration was also concerned that programs the United States has embarked on in an attempt to cooperate in attacking drug abuse might be damaged with the growing drug problems in its own ranks.

He claimed that the military was not taking advantage of new technology for assessing drug use in the ranks and that the rate of urine testing for drugs "seems to be decreasing at the lowest common denominator rather than increasing to a more effective level."

One alarming aspect of the drug abuse in the military involves personnel who have their finger on the button at nuclear stations around the world.

"The impact of drug and alcohol abuse on military effectiveness in the nuclear weapon security program has been minimal," said Joseph P. Liebling, deputy secretary of defense.

However, statistics provided by the military show that 30 to 35 percent of the disqualifications within the nuclear program were for drug abuse.

The personnel in the special nuclear program are hand-picked for their reliability and fulfill such jobs as maintenance and handling of nuclear weapons, security or serving as air crews on nuclear military missions.

Of the 115,855 personnel in the nuclear weapon program in 1976, 4,966 had to be transferred for serious problems. Of those transferred, 1,474 were for drug abuse and 184 for alcohol abuse.

In 1975, 1,970 persons were transferred out of nuclear programs because of drug abuse and an additional 169 for alcohol problems.

But part of the decline came about because of a controversial but more flexible disqualification policy allowing commanders the option of not transferring a first-time marijuana experimenter.

"A review of the types of jobs held cannot help but make one wonder if there is a great deal of wisdom in implementing a more lenient policy towards marijuana users in this situation," said an unidentified military aide in an internal Defense Department document, noting the sensitivity of the weaponry the people in the nuclear program are handling.

Representing the administration in today's hearings, Lee I. Dogoloff, associate director of the domestic policy staff, said the White House is trying to get the military to adopt more stringent monitoring methods for determining the amount of drug abuse.

"In terms of existing indicators—that is medical reports, law enforcement reports and so forth—it appears that overall drug use within all three services is down from the epidemic proportions experienced during the Vietnam era," Dogoloff said.

"But we are not confident that we know the trends of drug use or can quickly identify shifting patterns of drug use. Further we are very concerned about drug use in areas of known high availability such as Europe, parts of the Pacific theater, and along the U.S.-Mexican border.

[From Newsweek, July 3, 1978]

EUROPE'S GI DRUG SCENE

Jack, a 20-year-old corporal from the Midwest, reported to the U.S. Army hospital in Landstuhl, near Heidelberg, in tears last week. "I'm all screwed up on heroin," he told the chief psychiatrist, Col. Edward Jeffer. "I've got to go home in three months and I can't let my family see me like this." Painfully familiar with such cases, Colonel Jeffer prescribed Librium, a tranquilizer, and antacids for Jack's withdrawal shakes and enrolled him in a special 30-day detoxification course at the hospital. If all goes well, the young soldier will kick his habit before his overseas tour of duty ends.

Other American GI's stationed in West Germany haven't been as lucky. According to even conservative estimates, thousands of U.S. servicemen stationed in the country have become addicted to hard drugs. Most have not sought treatment, and by one count, eighteen have died from heroin overdose this year, an increase of at least 50 per cent over last year's death rate. A special Congressional committee estimates that over 16,000 of the 225,000 U.S. troops in West Germany are no longer combat-ready because of drug use. After presenting the committee's report to President Carter last week, Democratic Rep. Lester Wolff insisted that the problem is getting worse. "I believe it has gone far beyond what the authorities themselves are aware of," he told Newsweek.

High-Grade Heroin: In part, the new wave of GI drug abuse has been caused by the recent flow of cheap, high-grade heroin from Asia and the Mideast into Western Europe. West Germany is particularly vulnerable to drug smuggling because it has borders with eight countries and admits thousands of foreign workers. In spots like Frankfurt's Bockenheimer Park and in bars along West Berlin's glittering Kurfürstendam, young American soldiers have little trouble finding Turkish or German pushers with a pocketful of drugs to sell. And with the value of the U.S. dollar declining, soldiers who once spent their off-duty hours in beer halls or nightclubs have turned to relatively inexpensive drugs to relieve their boredom. "There is an unbeatable combination of easy availability, cheap price and miserable soldiers," says Oklahoma Democrat Glenn English, another member of the House committee.

In a sense, the Army is a victim of statistics; it has a far larger percentage of young men in the drug-prone 18-to-25 age bracket than does civilian society. U.S. military officials also claim the committee has overdramatized the problem. "We are no more incapacitated by drugs than by intramural-sports injuries," insists Maj. Gen. Spencer B. Reid, the Army's top medical officer in Europe. "Drug use does affect military preparedness, but other things affect it more—like accidents or the flu season." In addition Pentagon officials maintain that only about 15,000 troops stationed in West Germany are hard-drug abusers, and they even contend that Army drug use has declined from its 1974 peak.

Committee members and some other drug experts argue that military officials have yet to grasp the dimensions of the problem. In a recent letter to Defense Secretary Harold Brown, Dr. Peter Bourne, Carter's adviser on drug problems, said the overdose death rate among troops in Europe is running three times higher than the average rate in U.S. cities. Congressman English also charges that military officials don't really understand the effect of drug abuse on combat readiness. "After twelve months of investigation," he contends, "we knew more about about drug abuse in the military than the military did."

Scary: What especially concerns English and other committee members is that a single spaced-out soldier might do significant harm because sophisticated new weapons systems take fewer people to operate. "I don't think that the public wants service personnel who take drugs to be messing around with nuclear weapons," he says. Bourne says drug-abusing soldiers who serve in such jobs as jet mechanic, radar operator, munition loader or security policemen could easily jeopardize a major mission. "The situation scares the hell out of me," English says.

The Congressional panel has called on the Army to develop a standardized reporting system for drug abuse statistics; currently, drug cases are often lumped together with alcohol problems. The committee has also suggested that reinstitution of random urinalyses to detect drug abusers in high-risk areas, a practice that was halted by soldiers' civil rights suits in 1976. But no one expects any complete solution to the problem. As long as drug abuse remains a problem in society at large, young soldiers will continue to face an enemy of their own making.

[From the Christian Science Monitor, Boston, Mass., July 28, 1978]

MILITARY PROBE OF DRUG ABUSE

(By John Dillin)

U.S. defense officials—prodded by the White House and Congress—are launching a 12-point program to get the military's "very serious" drug-abuse problem under control.

The Pentagon plans to attack the drug problem with stepped-up medical testing of soldiers for drug symptoms, tougher laws enforcement, and new studies of the causes of drug use.

Abuse of heroin, marijuana, and other drugs in the military is growing, especially among young soldiers 18 to 21 years of age. High rates of use are particularly troublesome in certain drug "hot spots" such as West Berlin.

Charles W. Duncan Jr., deputy Secretary of Defense, laid out the Pentagon's battle plan against the drug problem in hearings before the House Select Committee on Narcotics Abuse and Control.

Members of the committee have been critical of the Defense Department for under-estimating the extent of drug use among military men, especially in the Army.

President Carter also has expressed concern, and brought up the drug problem in recent discussions with Chancellor Helmut Schmidt of West Germany, where the bulk of U.S. troops in Europe are stationed.

Defense officials estimate that about 30 percent of U.S. troops in Germany are regular marijuana users. Medical testing of American soldiers in West Berlin following the recent four-day, July 4 weekend (holidays are when drug use is highest) also indicated that about 4 percent had been using opiates.

The House narcotics committee, relying on its own surveys run in April in West Germany, insists the problem is even worse. According to the survey, most officers believe that at least half of the enlisted personnel in their units are using marijuana at least once a week. Hard-drug problems were less widespread, but still serious. Some 85 percent of the officers suggested that their units have a moderate-to-severe problem with drug abuse.

The Pentagon, which already has 1,800 people working on drug-abuse prevention and treatment, promises to tackle the problem with a wide range of initiatives. Among them:

Major study in the spring of 1979 of the drug-abuse problem among troops in Europe. The study will seek to determine the extent of drug use, its effects on health and combat readiness, and the reason for use of drugs.

Development of new, portable equipment within the next few months to test for use of drugs, including marijuana.

Establishment of a Berlin task force in conjunction with the U.S. Drug Enforcement Administration. West German police, and allied forces police to step up anti-drug efforts.

Doubling the number of soldiers tested annually for possible drug use. Currently about 30 percent are tested each year.

Appointment of Army Brig. Gen. John H. Johns to a newly created position of special assistant for drug abuse to the assistant Secretary of Defense for Health Affairs. He will begin work Aug. 1.

While serious, military officials say, the drug problem should not be exaggerated. It is not an epidemic.

Officers observe, for instance, that alcohol remains a much greater problem than marijuana. An estimated 80 percent of U.S. officers in Germany take alcohol regularly, and that seems to be a significantly greater threat to combat readiness than drugs.

The drug problem, says congressional sources, appears to result from a combination of factors: boredom, tension, curiosity, fun-seeking, and peer pressures.

Some officers believe the long tour of duty (three years) is too much for young, unmarried men in a strange environment where many undergo "cultural shock." Local residents also are partly to blame, it is said, because they often refuse to accept Americans socially.

One troubling part of the military drug scene in Europe is that drug use is becoming endemic, says a congressional source. "It is becoming socially acceptable to use this stuff, much as alcohol already is accepted."

[From U.S. News & World Report, August 14, 1978]

ARE DRUGS CRIPPLING OUR ARMED FORCES?

The U.S. armed forces are mounting a new battle against an old enemy that they hoped had been left behind in Vietnam six years ago.

The enemy: heroin, cocaine, marijuana, amphetamines and other potentially dangerous drugs.

Evidence is coming to light of continued widespread drug abuse in the services—not on the epidemic scale of the Vietnam War era, but still serious enough to generate alarm among some congressmen about a possible threat to the combat readiness of American fighting forces.

The latest Defense Department survey indicates that nearly 1 out of every 3 soldiers in the Army admits occasional or frequent use of marijuana—a total of 210,000 enlisted personnel. And about 7 percent admit the use of hard drugs—nearly 8 percent among the troops stationed in Europe.

In the Navy, 40 percent of enlisted men under the age of 25 smoke marijuana. Authorities identified 9,435 as users of illegal drugs last year—a [illegible] percent increase over 1976.

Debating the evidence. Deputy Defense Secretary Charles Duncan told the House Select Committee on Narcotics Abuse and Control on July 27: "The evidence that we have tells us that we have a drug-abuse problem in the military, that it is a serious matter, but that it is not of epidemic proportions."

Congressional investigators say that the Pentagon's figures tell only part of the story. They claim that the system for determining the extent of drug use in the armed services is inadequate. A former high-level Defense Department official told the investigators that "underreporting could easily be 100 percent."

That assessment is shared by Dr. Peter Bourne, who resigned under fire in late July as President Carter's special assistant on drug abuse.

In a letter to Defense Secretary Harold Brown, Bourne wrote before his departure from the White House: "Indicators suggest that drug use, especially narcotic use among our servicemen overseas, is increasing at a serious rate. Simultaneously, it appears that efforts to detect drug use are waning."

To support his argument, Bourne said in his letter: A urine test among members of the crew of the aircraft carrier U.S.S. *Midway* indicated that 20 percent of those tested were using opiates; the death rate from overdoses of heroin in the U.S. Army in Europe last year increased by 50 percent and is three times the average for U.S. cities; a White House investigator in Europe "heard anecdotal estimates of heroin use which ranged up to 40 percent in some units."

Under pressure from Congress, the Pentagon is launching an intensified campaign to detect the full scale of drug abuse in the services and to counter it more effectively. A special office to deal with the problem has been established under the direction of Brig. Gen. John H. Johns.

What most worries many in Congress is this question: How seriously is the combat effectiveness of the armed forces being undermined?

The answers to that question offered by a string of expert witnesses before a congressional committee turn out to be inconclusive, even contradictory.

Professional military men and active Pentagon officials take the most sanguine view. The official verdict of the Defense Department is summed up by Deputy Secretary Duncan: "We do not have any evidence that drug use has generally impaired fighting readiness."

One high-ranking officer from the headquarters of the U.S. Army in Europe gives a similar judgment concerning the effect of drug abuse on American forces in West Germany. In the words of Brig. Gen. William H. Fitts, deputy chief of staff: "The impact on the overall effectiveness or preparedness of the command is judged to be minimal."

"Far down the list." General Johns, chief of the Pentagon's new antidrug campaign, insists there "is no deliberate attempt to try to beg the question or to stick our head in the sand and say that there is no impact on combat readiness." He adds: "When we go out to commanders and ask what are the most serious problems that impede combat readiness, this one comes far down the list. In Europe, I think the commanders list drug abuse as No. 20 of the number of things that impact on combat readiness."

An Air Force general says that "in no case has it been documented or reported that an Air Force unit's readiness status was severely impacted due to drug abuse." But he acknowledges that readiness is affected indirectly "in terms of turbulence and replacement" as a result of loss of personnel identified as drug abusers. In short, says the Air Force general: "Readiness is being maintained, but at a significant personnel cost."

The Navy estimates that the 9,435 cases of drug abuse identified last year involved a cost of at least 65 million dollars in budget terms as well as enough people to provide the crew for a major combat vessel.

Is there any danger that personnel "stoned" on drugs could fire a nuclear weapon? Says General Johns: "In my opinion and the opinion of commanders at all levels, the answer almost unanimously is 'No' to that question. I find it incomprehensible that people in that position could be stoned and in a stupor without this being obvious to their supervisors."

Actually, 1,474 of the 115,855 handpicked personnel assigned to nuclear-weapons programs were transferred in 1976 because of drug abuse.

The Pentagon tends to minimize the direct effects of drugs on the fighting prowess of U.S. armed forces. Officials stress that alcohol abuse now poses a far more serious problem and one that is causing greater damage to combat readiness.

Further, widespread use of marijuana is not regarded as a threat to efficiency of military units, whatever the detrimental effects of hard drugs. A high-ranking official in the Defense Department puts it this way: "Our surveys and our assessments by commanders in the Army reveal that most of them see marijuana as a legal problem, not a drug-abuse problem."

This is substantiated by an independent survey conducted by the House Select Committee on Narcotics Abuse and Control. Officers were asked whether they thought their troops could go into combat and perform to the best of their abilities in view of the amount of drug usage they perceived in their units. In response, 63 percent said "Yes," while 34 percent said "No."

A distinctly different picture comes from the experts who are not serving actively in the services.

These experts stress the special dangers of drug use in the armed forces and the potential damage to the nation's fighting strength.

A White House specialist, Lee Dogoloff, does not accept the judgment of Army commanders concerning the effects of marijuana. His words: "I am equally as concerned about a soldier, sailor or airman who is intoxicated from marijuana—or drunk from alcohol, for that matter—and cannot perform his duty, as I am the individual who is high on heroin and similarly cannot perform his duty."

Dogoloff, associate director of the domestic-policy staff at the White House, also maintains that, because of the lack of systematic checks, "it is very difficult, if not impossible, to estimate with high reliability the current level of drug use within any military department."

A challenging view. The official Defense Department view minimizing the effect of drug abuse on combat readiness is challenged by the Pentagon's former top health official.

Asserts Dr. Robert Smith, former assistant secretary of defense for health affairs: "As far as I am concerned, any use, whether drug or alcohol, is too much and has an adverse impact on personal and unit effectiveness."

Smith adds: "The effects could range from none to inability to muster, to mistakes leading to personal death or injury or to critical tactical-decision mistakes that could hazard entire units. We may not find out the real answers to combat effectiveness until it is too late in a literal trial by fire."

The congressman in charge of a task force investigating drug abuse in the military services complains that the Pentagon, until recently, "was unable to come to grips with the dangers of drug abuse because it was a problem created by society as a whole and not by the military."

Representative Glenn English (D-Okla.) contends that "the military can't afford drug abuse even if society as a whole is prepared to tolerate it," given the special demands that are made on the armed forces.

English is convinced that combat effectiveness is impaired by wide use of drugs in the services. To quote him: "There's absolutely no doubt that there is an effect on combat readiness, and it's detrimental. After all, weapons systems are becoming more and more sophisticated, and fewer and fewer men are needed to operate them. So one man who is careless due to drugs can do a lot of damage."

English sees a significant shift in the Pentagon's approach to the drug problem in recent weeks, with the announcement on July 27 of a new program to combat it.

The program aims at establishing systematically the actual scope of drug abuse in the armed forces and the effect on the health and combat readiness of troops, improving machinery for detecting drug abuse, tightening up on law enforcement and requiring military commanders to give higher priority to the problem.

"HOT SPOT" TASK FORCE

Also, a Berlin task force is to be established to deal with the special problem among troops in that city, described as a "hot spot" by drug-enforcement authorities.

No one expects the new campaign to eliminate drug abuse in the armed forces—not as long as the use of drugs is rampant in the American society where young volunteers are recruited by the services.

But any sign of Pentagon faltering is certain to provoke a strong reaction from congressmen who see a threat to the nation's fighting strength.

PCP

[From the Miami Herald, August 9, 1978]

"ANGEL DUST" USE RISING, EXPERT SAYS

WASHINGTON.—More than 14 per cent of the population between the ages of 18 and 25 have used PCP at least once and use of the powerful hallucinogen appears to be rapidly increasing, a top drug abuse official said Tuesday.

The fastest increase, according to Dr. Dorynne Czechowicz, is the 12- to 17-year-old range, where use doubled from 1976 and 1977. Use in the 18- to 25-year-old range jumped 48 per cent during the same time frame, she testified.

Czechowicz, a special assistant in the National Institute on Drug Abuse, estimated that more than 7 million Americans were believed to have used PCP at least once.

She said the drug was far more widely abused by young whites than by blacks or Hispanics. Females are as likely to have used the drug as males.

PCP—known technically as phencyclidine—masquerades under a variety of names in street use and is available in several forms. It is often called "Angel Dust" or "Hog." It often is used in conjunction with other drugs and one favorite method of use is to saturate marijuana with the drug and then smoke it. The drug is easily manufactured by anyone with a moderate knowledge of chemistry and a basement workshop.

Users of the drug, which is used legitimately as an animal tranquilizer, report it has unpredictable effects, ranging from a feeling of strength and invulnerability to a feeling of depersonalization.

Moderate users report time and movement slow down, speech becomes difficult and the user may stagger as if drunk, said Czechowicz. At higher doses, "Touch and pain sensations are dulled. Bizarre behavior, such as nudity in public places and barking while crawling on the floor, have been reported," she said.

Rep. Norman Y. Mineta (D., Calif.) who said San Jose, Calif., has been called the PCP capital of the nation, told the committee of one man who, after smoking a marijuana cigaret laced with PCP, became convinced he was Jesus Christ.

"He went into the bathroom and broke a shower pane. He says he wanted to eat the glass so he could die for our sins like Jesus Christ. He swallowed a jagged piece of glass, nearly four inches long and a quarter of an inch thick. By the time he went into surgery, the glass had gnawed a bloody path deep into his intestines," Mineta said.

Mineta also told of a user who murdered his parents, of another who stabbed a tiny baby to death, and of another "who ripped his eyes out with his own hands."

Lee Dogoloff, associate director of the White House domestic policy staff, told the committee that a survey of students in the 7th to 12th grades in New York schools showed use twice the national average, with 14 percent saying they had used PCP at least once and 5 percent saying they had used it in the past 30 days.

Although PCP use is climbing, Czechowicz said it still is far below other drugs in popularity. For example, the institute on drug abuse estimates 60 percent of the population between the ages of 18 and 25 has used marijuana at least once, 19 percent has used cocaine, and 14 percent has used PCP.

[From the Chicago Sun-Times, Oct. 7, 1978]

DEA Chief Tells Pain-Killer Risk, Urges Controls

(By Betty Washington)

Talwin, a morphine-like synthetic pain-killer, has become "the newest phenomenon in drug abuse" in Chicago and other cities, Peter B. Bensinger, administrator of the federal Drug Enforcement Administration, said Friday in Chicago.

Testifying before a panel of the House Select Committee on Narcotics Abuse and Control, Bensinger urged that the drug, manufactured exclusively since 1969 by Sterling-Winthrop Laboratories in Chicago, be subjected to federal controls and that penalties be attached to its misuse.

The day-long hearing was held in the Dirksen Federal Building, 219 S. Dearborn.

Bensinger said studies show that in May, 1978, Talwin ranked fifth in drugs being abused as reported by Chicago area hospital emergency rooms. He said that between April, 1977 and April, 1978, "there were 384 emergency room visits related to Talwin reported in the Chicago metropolitan area."

Talwin, a pain reliever, produces a euphoric effect, Bensinger said users have reported.

The House Committee also is investigating the use of Talwin mixed with the antihistamine Pyribenzamine. When combined the two create what is called "T's and Blues," and can be injected into a vein to provide a sensation similar to heroin, according to experts.

Bensinger said that Talwin is being used more because it is cheap and narcotics dealers run no risk because its sale is not illegal.

The drug control chief estimated that between 3 million and 6 million doses of Talwin were diverted from legitimate to illicit channels in Chicago last year. He said the drug increasingly is being purchased on Chicago streets, and undercover DEA agents have found physicians and pharmacists cooperating in making the drug available indiscriminately.

Dr. Robert W. Speir, of Sterling-Winthrop laboratories, said his company made careful studies before marketing Talwin in 1966 and found no evidence of psychological dependence.

He said his company has taken steps to reduce orders when it suspects inappropriate distribution. But he said Sterling-Winthrop considers Talwin an effective, safe pain-reliever that results in no dependency if used properly under a physician's care.

Dan B. Leach, product director of the CIBA-Geigy division in Niles, said studies have shown that the Pyribenzamine sold by his company since 1946 does not cause psychological dependency.

The combined use of the two drugs has reached "alarming" proportions, said Thomas B. Kirkpatrick Jr., executive director of the Illinois Dangerous Drugs Commission.

Algis Augustine, chief regulatory officer for Illinois Department of Registration and Education, blamed pharmacists and doctors for abuse of Talwin. He cited one pharmacy that ordered more than 1.1 million Talwin tablets in less than a month from its distributor, Zahn Wholesalers.

Melvin Zahn, who said his firm has operated in Melrose Park since 1932, testified that distributors have no way of knowing if their customers are abusing a particular drug and should not be asked to determine "excessive purchases."

Bensinger said his agency, since 1974, has urged the Food and Drug Administration to place restrictions on the sale of Talwin. He said proposed regulations would require "strict accounting and record keeping by manufacturers, drug wholesalers, pharmacies and other legitimate handlers."

Talwin

[From the Los Angeles Times, Nov. 3, 1978]

39 CHICAGO DEATHS LINKED TO TALWIN—ABUSE OF PAINKILLER POSES NEW MIDWEST DRUG PROBLEM

(By Debra Lumpe)

WASHINGTON—Authorities in the central United States are struggling with a bizarre new drug problem that has touched off street wars in St. Louis and killed at least 39 people in Chicago.

The drug involved is Talwin, a painkiller that, ironically enough, was developed in 1967 by a New York drug firm during its search for an analgesic that could not be easily misused by addicts.

Originally marketed as an injectible solution only slightly less potent than morphine in relieving pain, Talwin—a prescription drug—is now available in tablet form. Among other things, it is used in hospitals to alleviate moderate or severe pain.

According to officials, addicts turn to it as a substitute for heroin when federal agents succeed in drying up supplies of that narcotic. The injection of Talwin dissolved with the antihistamine pyribenzamine "results in a heroin-like 'rush' that costs $5 or less a shot," according to Peter B. Bensinger, head of the U.S. Drug Enforcement Administration.

While abuse of the drug appears to be greatest in the Midwest, drug enforcement officials warn that it is likely to spread throughout the country, wherever addicts find it difficult to get heroin.

The government is now in the midst of cracking down on abuse of Talwin and none too soon, according to police and drug officials in a number of cities.

Widespread abuse of Talwin, the brand name for the painkiller pentazocine, was brought to public attention by the House Select Committee on Narcotics Abuse and Control when it held hearings recently in Chicago with testimony by Bensinger and others.

It was disclosed that 39 people in the city had died from an overdose of the drug within a six-month period after heroin addicts learned it could serve as a substitute for that narcotic, which had become rare and expensive on Chicago streets.

Theodore Vernier, an official of the Detroit office of the Drug Enforcement Administration, told a reporter that addicts usually grind up Talwin tablets, dilute them, and then "shoot up."

"We find that when the relative purity of heroin in any area decreases, the addicts go toward legitimate opiates to satisfy their habit," Vernier said.

According to other officials, between 3 million and 6 million doses of Talwin were diverted from legitimate channels in Chicago alone last year.

In St. Louis, Charles Maier of the Police Department's narcotics division, said that a single Talwin tablet costing about 20 cents at the drugstore could bring as much as $4 on the street.

Speaking of the drug situation in his city, Maier said: "Heroin is getting too diluted for the addicts to get high off the stuff. They are getting a better buzz from the (Talwin) pills."

It was the staggering mark-up in Talwin prices that touched off street wars in St. Louis by gangs battling for territory and distribution rights.

Dr. Alphonse Toklis of the St. Louis University school of medicine said that while no overdose deaths had been reported in the city, traces of Talwin were found in the bodies of several murdered drug dealers.

In New Orleans, Police Sgt. James Kirkpatrick said that city's drug fighters had discovered that Talwin was "being used by people who are not traditionally heroin users" but who had developed a craving for the pills themselves.

While proposals for a federal crackdown were advanced as much as four years ago, only now is Talwin in the process of being placed on the government's list of regulated drugs. Once that process is completed, within several weeks, the drug's manufacturer, Winthrop Laboratories, as well as pharmacies and other legitimate handlers will be required to provide a strict accounting of its distribution.

Prison terms will be given to anyone violating the federal controls or otherwise engaged in illicit handling of the drug.

Among those looking forward to such controls is Sgt. Bart Simonia of the police department of Buffalo, N.Y., one of the relatively few cities outside the Midwest with a Talwin problem. "If you have a prescription bottle in your possession, with your name on it, and Talwin in it, it's legal," Simonia said. "We don't have the laws to now give us proper control over this thing."

Officials in the Los Angeles and San Francisco police departments said misuse of Talwin had not yet become a major problem in their areas.

G. APPENDIX: SUMMARY OF ACTIVITIES FOR 1977

ACTIVITIES

1. In the 95th Congress, First Session, the Select Committee held hearings on the reduction of penalties for possession of small amounts of marihauna for personal use; LEAA management of narcotics and drug-related grants; current U.S. narcotics policy as it relates to Southeast Asia; the elimination of the Office of Drug Abuse Policy proposed in President Carter's Reorganization Plan; International narcotics control; Federal narcotics research; U.S. border management policy, proposals and problems; Compliance-Regulatory issues in narcotics control; U.S. domestic narcotics law enforcement; and narcotics trafficking money flow in the Chicago area.

2. In addition to reports issued on the committee's hearings during the 95th Congress, First Session the committee also issued reports based on its investigation into: narcotics control support by the international community; summary of testimony, findings, conclusions, and recommendations based on oversight hearings covering over a dozen Federal agencies involved in narcotics abuse and control work; and trip reports on the committee's investigations and findings in Southeast Asia and South America.

3. The committee held several special investigations in the 95th Congress, First Session. Subjects covered included: organized crime's role in narcotics trafficking; diversion of methadone from treatment centers; cocaine trafficking in Miami; drugs in New York City schools; the evaluation of different drug treatment modalities; drug abuse in institutions; psychotropic drug abuse; drug abuse in prisons; LAAM and naltrexone; role of financial resources in narcotics trafficking; supply reduction and Federal-State-local cooperation; and demand reduction.

4. A major effort of the Select Committee staff during the 95th Congress, First Session was the drafting of a Congressional Resource Guide to the Federal drug abuse and control effort. This guide reviews the major components of the Federal narcotics effort including legislation, organization, and budget.

The significant activities of the committee with respect to these and a considerable number of other matters are discussed in detail below:

A. Special investigations

During the First Session of the 95th Congress, the committee initiated and continued several important investigations both in demand and supply reduction. Some of these investigations have culminated in hearings, and/or reports, including recommendations for changes, while others are still in the process of completion.

1. DRUG ABUSE IN NEW YORK CITY SCHOOLS

Due to increased concern over the problem of drug abuse in our Nation's schools, in November 1976, the Select Committee began a preliminary study of the problem of substance abuse within the New York City school system, in an effort to determine the necessity for an indepth investigation by committee staff.

An indepth investigation featuring intensive field interviews has been ongoing throughout 1977. Currently, New York City remains the target area for these investigations. The Select Committee during the second session of the 95th Congress will hold hearings on the issue of drugs in schools in order to develop effective policy recommendations which will aid in reducing this growing epidemic among our Nation's youth.

2. SOUTHWEST BORDER FACTFINDING MISSION—BORDER INTERDICTION

This mission, conducted March 24 through 28, 1977, studied the border interdiction resources available to the U.S. Customs Service and the Drug Enforcement Administration and assessed the success and failures these agencies are experiencing in detecting smuggling operations in the Southwest region. Committee members visited ports-of-entry in California, New Mexico, Arizona and Texas; the Drug Enforcement Administration's El Paso Intelligence Center (EPIC); the Customs Service TECS Center in San Diego; and the Coast Guard Station in San Diego.

The mission also examined the status of inter-agency cooperation among the Federal agencies assigned a part in the border interdiction effort and investigated specific intelligence information revealed on suspected areas of corruption within the local, State and Federal law enforcement structure.

3. TREATMENT MODALITIES IN NEW YORK CITY

During the past year, the committee investigated various drug abuse treatment modalities in New York City. Twelve treatment programs were investigated, which led to the finding of the existence of: (1) high dropout rates, (2) high rates of readmission, and (3) high unemployment rates among clients. The Select Committee staff concluded from this investigation that no single treatment modality or treatment program visited had all of the answers to the complex questions raised in the area of drug abuse treatment.

4. PSYCHOTROPIC DRUG DIVERSION

In April 1977, the committee initiated an investigation into psychotropic drug diversion by prescribing physicians which culminated in May, 1977, with the committee chief counsel's attendance at the National Drug Abuse Conference. The findings disclosed a methodology by which action could be taken against those physicians who overprescribe or illegally dispense psychotropic substances. As the methodology requires the cooperation of State authorities, a copy was distributed to the State police of every State. Significant indictments were brought in connection with illegal dispensing of psychotropics.

5. TASK FORCE INVESTIGATIONS

(a) *Demand reduction*

The Demand Reduction Task Force, coordinated this past year by Congressman Badillo, made a concerted effort to define the nature and extent of various modalities of drug abuse treatment in the United States.

Toward this end, in June, 1977, the staff conducted a 3-day investigation in New York City of 12 treatment centers representing major treatment modalities, such as methadone maintenance detoxification, therapeutic communities, and drug-free. The centers were studied in terms of recidivism, employment rates, multiple enrollments, drop-out rates, et cetera.

The staff, in November 1977, investigated methadone maintenance clinics to determine the amount of methadone diversion and illicit sales that occurred as a result of this treatment modality.

In the last quarter of 1977 the committee hired Dr. Joel Fort as a consultant to assist in making plans for committee work in the area of demand reduction in 1978. In addition Steve Glenn and Dr. Fred Streit have on a voluntary basis been assisting the Committee in this area.

(b) *Drug abuse in institutions*

The task force, coordinated by Congressman Railsback, has researched drug abuse in prisons, including general drug abuse, illicit supply, over- and under-medication. The Congressional Research Service, as requested by this task force is currently locating available materials on drug abuse in schools, which is to be used for future investigations.

The immediate priority of the committee is to conduct a survey of selected Federal prisons to determine the amount of existing drug abuse.

(c) *Drug abuse in the military*

Under the direction of Congressman Glenn English, the committee has initiated an investigation into drug abuse in the military. The principal investigative method currently being utilized by the task force is the administration of an original survey to randomly selected military officers and lower enlisted, permanent army personnel. The survey is designed not only to gain an accurate estimate of drug abuse levels within the armed services today, but also to provide the task force with perceptions and attitudes of officers and lower enlisted personnel that will more realistically describe the military drug abuse policy and its true effectiveness as a deterrent.

The survey is currently being distributed at selected installations across the United States and will be completed by the end of January 1978. Bases visited thus far include Fort Bragg, S.C.; Fort Sill, Okla.; Fort Jackson, S.C.; Fort Stuart, Ga.; Holmstead Air Force Base, Fla.; McGuire AFB, N.J.; Travis AFB, Calif.; Miramar Naval Air Station, Calif.; Norfolk Naval Base, Va.; San Diego Naval Base, Calif. and Marine Corps Recruit Depot, Parris Island, S.C.

Other areas currently under investigation include an examination of the nature and extent of military drug law enforcement and the success of Department of Defense drug abuser identification and treatment programs.

The culmination of these efforts is expected to occur in February or March 1978, when hearings will be held with the Department of Defense and the service branches.

(*d*) *Financial resources—supply reduction—Federal, State, local interface*

These task forces, coordinated by Congressmen Murphy, Rangel and Gilman initiated an extensive investigation of heroin trafficking in Chicago, Ill. Their findings were used by the full committee in its Chicago hearings. These preliminary investigations examined the transshipment of heroin from Durango, Mexico, the "laundering" of the money in Chicago, and the transfer of illegal narcotics proceeds to Mexico.

Through this investigation, the committee learned that (1) the largest Chicago area trafficker is the 1,000-member Herrera family; (2) this family organization has been involved in trafficking in the past 20 years, but has increased the magnitude of its operations during the past several years, including a major expansion to east coast cities; (3) traffickers have routinely brought large amounts of heroin proceeds to currency exchanges and banks, purchased money orders with these narcotics profits, and then sent or carried the negotiable instruments to Mexico; (4) traffickers are able to conduct these transactions with virtual impunity, despite Federal and State laws that were designed to prohibit this type of manipulation. As a result of the committee's exposures, avenues heretofore available for shipment of huge amounts of untaxed dollars were shut off, and the Internal Revenue Service sent a special task force to aid in tax enforcement efforts.

(*e*) *Narcotics research*

The investigative work undertaken by this task force under the coordination of Congressman de la Garza provided a foundation for the full committee oversight hearing on Federal narcotics research held on October 6, 1977.

(*f*) *Organized crime*

The Task Force on Organized Crime, coordinated by Congressman Beard, investigated the role and extent of organized crime in narcotics trafficking. In order to determine the nature of this involvement, it analyzed and investigated several of the more important narcotics cases of the last several years, including the *Matthew Madonna* and *Frank Lucas* cases.

During the course of these investigations, the committee examined the manner in which the traffickers procure heroin abroad, the various methods of shipping the heroin into the United States and the heroin distribution network in American cities. The committee has met regularly with the Drug Enforcement Administration, Customs Service, and local law enforcement agencies throughout the Nation to learn their problems, and to elicit any legislative or administrative remedies which would increase narcotics interdiction and arrest rates.

The committee focused, in particular, on the current status of the Witness Protection Program, used to protect informants. To better understand the operations of this program, the committee met with representatives of the Department of Justice, who explained the current problems, and their plans to remedy defects. The committee plans further investigations into this vital area, one of great consequence to law enforcement.

6. COCAINE TRAFFICKING

Responding to information received by the committee in the months of August and September, the committee conducted undercover investigations of cocaine trafficking and dispersion of illegal funds in the south Florida area. These investigations produced material of a classified nature, which the chairman personally transmitted to the Attorney General on December 6, 1977. The Attorney General congratulated the committee and staff on its excellent investigation and stated that the law enforcement aspects of the investigation would be carefully examined by the Department of Justice and, where applicable, indictments will be brought. This was a major example of many instances in which the committee's work had directly aided the law enforcement community in highly significant criminal investigations.

7. METHADONE DIVERSION STUDY

In line with its demand reduction activity, the Select Committee is currently investigating the use of methadone as a drug abuse treatment modality. A study of methadone treatment in New York City found a most disturbing rate of methadone diversion. Numerous cases of illicit sales by addicts in treatment, some enrolled in multiple methadone programs, were documented. A study of methadone treatment in Boston has begun, in order to provide contrasting information between one jurisdiction which permits "take home" methadone (New York) and another, which has not (Boston).

The committee staff has been assisted in this area by Jack Kelly of Congressman Rangel's office.

B. Hearings

During 1977, the following public hearings were conducted by the Select Committee:

1. Marihuana Decriminalization, March, 1977;
2. Law Enforcement Assistance Administration Narcotics Funding, June 1977;
3. U.S. Narcotics Policy in Southeast Asia, July, 1977;
4. Chicago Investigation of Narcotics Trafficking Proceeds, October, 1977; and
5. Second Annual Oversight Hearings on the Federal Strategy, September, October, November, 1977.

The following are summaries of these hearings:

1. MARIHUANA DECRIMINALIZATION

On March 14–16, 1977, the committee heard testimony from leading medical, legal, and public affairs experts on the issue whether Congress should reduce the penalty for possession for personal use of small amounts of marihuana.

Proponents of decriminalization primarily argued that present Federal laws are being largely ignored by the law enforcement, criminal justice and judiciary systems, which breeds disrespect for all laws and results in *de facto* decriminalization. Moreover, proponents, citing data derived from California and Oregon, which have reduced the penalties for possession of small amounts of marihuana for personal use, argued that Federal decriminalization would not result in an appreciable increase in the use of marihuana.

On the other hand, opponents of decriminalization argued that the Federal Government should not encourage the use of any drug; that marihuana is a harmful substance whose effects have not been fully established by the scientific community, and that the use of marihuana leads to the taking of other drugs. Importantly, opponents emphasized that there is a basic inconsistency in a Federal policy that would reduce penalties for the use of a substance whose importation or sale remains illegal.

The committee submitted its findings of the hearings to the various standing committees of the House which ultimately have the responsibility to decide whether to amend the Controlled Substances Act to decriminalize possession of small amounts of marihuana for personal use.

2. LAW ENFORCEMENT ASSISTANCE ADMINISTRATION (LEAA) NARCOTICS FUNDING

On June 8, 1977, the Select Committee chaired by Representative Peter W. Rodino, Jr. (D-N.J.), held an oversight hearing to review the nature and scope of the Law Enforcement Assistance Administration's (LEAA) funding assistance to State and local governments in the area of narcotics abuse and control.

At that hearing the Select Committee learned:

(1) It is not possible to determine with any degree of certainty the total LEAA expenditures for narcotics abuse and control during the period 1972–1976.

(2) LEAA funding of narcotics abuse and control programs in the block and discretionary funding categories has been decreasing during the past 5 years.

(3) LEAA has an extremely small number of employees with expertise in the area of narcotics abuse and control. This raises serious questions about LEAA's ability to adequately monitor and evaluate its narcotics abuse and control programs.

(4) LEAA's Treatment Alternatives to Street Crime (TASC) program is an excellent innovative program that is having a significant positive impact on reducing recidivism among drug addicts.

The committee, particularly acting chairman Peter W. Rodino, Jr., made several concrete suggestions to enhance the level of LEAA's attention to block and discretionary grants in drug abuse. The Deputy Attorney General, who, along with the Acting Administrator of LEAA, was a lead witness at the hearing, pledged continuing attention to drug abuse initiatives by LEAA and other Justice Department agencies.

3. U.S. NARCOTICS POLICY IN SOUTHEAST ASIA

On July 12 and 13, 1977, the Select Committee took testimony from the Special Assistant to the President on Health Matters and witnesses from the Department of State, the Department of Justice, the Drug Enforcement Administration and the National Institute on Drug

Abuse on the current situation with respect to opium trafficking in Southeast Asia. Foremost among the considerations before the committee was the proposal that the United States or a recognized international organization engage in a preemptive purchase of opium from the opium producers in the Golden Triangle of Burma, Thailand, and Laos. The rationale behind this proposal was that by engaging in such a transaction more than half of the entire opium crop in that area of the world would never reach the international heroin market. The hearings produced objections to this proposal voiced mainly by the President's assistant, Dr. Peter G. Bourne, and by the State Department Narcotics Coordinator, Ms. Mathea Falco. The administration's position was that rather than engage in preemptive purchases, American interests would be better served by the provision of additional narcotics enforcement assistance, including aircraft, to the government of Burma to be used to help in interdicting the opium supply as it moves from the growing areas down to the Thai-Burmese border area. The committee expressed strong reservations concerning the stated policy involving Burma, but could not secure agreement regarding the proposed preemptive purchase.

At this hearing, the President's representative reiterated the President's commitment to high-level policy review of drug abuse problems and as proof of this concern, he pointed to the creation of March 1977, of the Office of Drug Abuse Policy. The committee later learned however that the Office of Drug Abuse Policy was to be the subject of a reorganization plan which effectively eliminated it from the Executive Office of the President.

4. CHICAGO HEROIN TRAFFICKING AND MONEY FLOW

The Select Committee, on September 30 and October 1, held hearings in Chicago, Ill. to obtain information regarding the Chicago "heroin trail" which originates in Durango, Mexico, stretches to Chicago and other cities, and returns to Durango again. The control of this illegal operation by the Herrera and other Mexican-American families in Chicago and elsewhere was fully documented. A major emphasis of the hearings was the use of currency exchanges and banks to convert heroin proceeds to negotiable instruments, such as money orders, which are then mailed or personally transported to Mexico, and deposited into the accounts of the traffickers. Through this means, millions of untaxed and unregistered dollars were being sent from Chicago to banks in Mexico where these vast sums were employed to further dealings in heroin.

The committee achieved significant results from the hearings. The magnitude and structure of the Herrera family narcotics organization was exposed to the public. The investigation and hearings revealed that over a short period of time, two currency exchanges sold approximately $1.9 million in money orders which were deposited in Mexican banks, and that enormous sums were deposited at specific banks in the accounts of particular individuals. These transactions indicated a lack of control on the part of some State and Federal enforcement agencies. These agencies have initiated procedures to remedy the situation, and, in particular require stronger Federal laws to deal with cash transfers such as bank drafts, money orders and cashier's checks purchased by unidentified individuals for transfer abroad to foreign banks.

The investigation which preceded this hearing was begun by the Committee's task force on Financial Resources-Supply Reduction-Federal, State, local interface coordinated by Congressmen Morgan F. Murphy (D-Ill.), Charles B. Rangel (D-N.Y.) and Benjamin A. Gilman (R-N.Y.).

5. SECOND ANNUAL OVERSIGHT HEARINGS ON THE FEDERAL DRUG ABUSE EFFORTS

In the fall of 1977, the committee undertook its second annual review of the Federal Narcotics effort by means of oversight hearings, conducted pursuant to H. Res. 77, which charges the committee with the responsibility of conducting a comprehensive review of the entire Federal effort to control narcotics and drug abuse.

The 1977 oversight hearings, held approximately 1 year after the first set of oversight hearings in September 1976, focused on the following subjects: the Federal Strategy, Narcotics Research, Domestic Law Enforcement, International Law Enforcement, Compliance/Regulatory, and Border Management.

(*a*) *Federal strategy*

The first of the committee's second annual oversight hearings centered on the Federal strategy to combat drug abuse. On September 23, 1977, the committee took testimony from officials of the Office of Drug Abuse Policy and the Office of Management and Budget. In questioning, the hearing centered on the impact of President Carter's Reorganization Plan I issued on August 2, 1977. The effect of the Reorganization Plan was to eliminate the Office of Drug Abuse Policy in the Executive Office of the President. The committee expressed unanimous opposition to the termination of the Office of Drug Abuse Policy and developed information from the witnesses that termination was based upon a management analysis rather than a review of the impact this would have on drug issues. The committee expressed its opposition to the policy of terminating a high-level policy office created by statute without consultation with Congress. Negotiations between committee members and the Office of Management and Budget to extend the Office of Drug Abuse Policy for an additional year beyond December 31, 1977, were fruitless, however, ODAP will continue to function into 1978 as it concludes its seven major drug abuse studies.

(*b*) *Narcotics research*

Witnesses at the October 6, 1977, Narcotics Research hearing were: Dr. Robert L. DuPont, Director, National Institute on Drug abuse (NIDA): Dr. Richard Pollin, Director of Research, NIDA: and George Beschner, Deputy Chief, Services Research Branch, NIDA.

At this hearing, testimony was presented to the Committee on the following:

(1) The present status of NIDA's research efforts in the development of longer acting narcotic substitutes and antagonists, on different treatment modalities, and in areas with a high likelihood of successful clinical application;

(2) The types of Federal narcotics research being conducted;

(3) The amounts of funding being allocated for these research projects;

(4) The identity of some of the agencies and organizations involved in Federal narcotics research; and

(5) The cases of possible overlap and duplication of Federal narcotics research efforts.

(c) *Domestic law enforcement*

This hearing, on October 12, 1977, focused on the efforts of the front-line domestic law enforcement agencies to coordinate and cooperate in curbing narcotics trafficking in this country. Witnesses were: Mr. Peter Flaherty, Deputy Attorney General; Mr. William Lynch, Chief, Narcotics and Dangerous Drugs Section, Criminal Division, the Department of Justice; Mr. Peter Bensinger, Administrator, Drug Enforcement Administration; Mr. Donald Moore, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation; Mr. William E. Williams, Deputy Commissioner, Internal Revenue Service; and Mr. G. R. Dickerson, Deputy Commissioner, U.S. Customs Service.

Testimony was presented to the committee on the following:

(1) The extent of the cooperation and coordination between the agencies primarily responsible for Federal domestic law enforcement;

(2) The effectiveness of their effort in attacking violations of Federal law;

(3) Their plans to improve their effectiveness and cooperation and coordination among themselves;

(4) Their recommendations for legislation to enable them to perform their tasks more effectively and efficiently.

(d) *International narcotics control and compliance/regulatory*

This 2-day hearing, on November 15 and 16, 1977, at the U.S. Mission to the United Nations in New York City, marked the completion of the Select Committee's "supply reduction" oriented oversight hearings. It was the first time in the history of the United Nations that a firsthand view of the U.S. Congress in action was afforded foreign delegations. As Chairman Wolff is presently representing the United States at the 32d Session of the United Nations General Assembly, the oversight hearing provided an effective forum for Congress to focus worldwide attention to the problem of international narcotics control. This is particularly significant given the realization that the opium poppy and the coca leaf are not indigenous to the United States.

Over thirty foreign delegations were representned at the hearings, responding to a formal invitation extended by Chairman Wolff. Opening the 2 days of testimony was a panel consisting of Mathea Falco, Senior Adviser to the Secretary, Department of State; Robert Oakley, Deputy Assistant Secretary for East Asian and Pacific Affairs, Department of State; John Owens, Deputy Assistant Administrator, Agency for International Development; and Peter Bensinger, Administrator, Drug Enforcement Administration. Terrence Todman, Assistant Secretary for Inter-American Affairs, Department of State, testified during the afternoon of the 15th.

The panel addressed the issues involved in the U.S. efforts on international narcotics control. Emerging from the exchange between committee members, questions by the chief counsel and executive department representatives was the fact that U.S. international narcotics control efforts are designed as a result of foreign policy objectives formulated through the State Department.

During the afternoon session of the committee's hearings, Compliance/Regulatory issues were addressed by Kenneth Durrin, Director, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration (DEA); Dr. John Jennings, Associate Commissioner for Medical Affairs, Federal Drug Administration (FDA); and William Bodra, Associate Chief Counsel, FDA. In anticipation of committee involvement in the matter of methadone diversion, questioning focused on the roles of these two agencies in the licensing and monitoring of methadone treatment centers. While apparent problems in this regard were raised, the committee has withheld judgment pending indepth investigation of these problems.

(e) *Border management*

This hearing on November 16, 1977, was also held at the U.S. Mission in New York City. The purpose of the hearings was to examine the efforts of Federal law enforcement agencies in the interdiction of narcotics at our border crossings. In this connection, representatives of the Office Drug Abuse Policy (ODAP) and the Comptroller General's Office (GAO) presented findings of studies recently concluded by both their agencies.

Richard L. Williams, Deputy Associate Director for Organization and Management, ODAP, testified that the primary purpose of his review was to identify the problems having the greatest impact on effectiveness and to propose solutions for improvement. The review team from ODAP was comprised of an interagency group of representatives from the principal departments and agencies involved with control of the borders—namely, the U.S. Customs Service, the Immigration and Naturalization Service, the U.S. Coast Guard, and the Drug Enforcement Administration. ODAP's report was directed at a long-term look at the border, rather than focusing on any transitory operational problems.

William J. Anderson, Deputy Director, General Government Division, GAO, testified regarding those areas of border activity which result in duplication of effort by the above-mentioned agencies. A major finding was the lack of an integrated strategy for border control. GAO recommended the Office of Management and Budget prepare an annual analysis of law enforcement along the United States-Mexico border. This would provide a centralized inventory of resources allocated to border activities which is not presently available. Because of this, GAO found it difficult to determine through present budget presentations the border-related programs of each related agency.

ODAP and GAO generally agreed that a partial solution to border interdiction would be the creation of a single management agency for the administration of border responsibilities. This proposal is presently under consideration by the Office of Management and Budget as part of the President's total reorganization plan.

C. Committee Publications

Twelve publications were issued during the 95th Congress, first session, as follows:

1. Oversight Hearings on Federal Drug Abuse Effort.
2. Interim Report—Summary of Testimony, Findings and Conclusions Resulting from the Oversight Hearings.
3. Appendix to Interim Report.
4. New York City Hearings on Narcotics.
5. New York City Law Enforcement Report on Narcotics Law Enforcement.
6. Seven Nation Fact-Finding Mission Report.
7. Preliminary Staff Study on Drug Abuse in New York City Schools.
8. Decriminalization Hearings.
9. Decriminalization Report.
10. The International Narcotics Control Community Report.
11. Southeast Asia Mission Report—Opium Production, Narcotics. Financing and Trafficking.
12. Review of the Law Enforcement Assistance Administration Narcotics Funding.

What follows is a synopsis of all the committee reports issued during the 95th Congress, first session and all written reports, presently awaiting publication:

1. INTERIM REPORT (SCNAC 95-1-2), FEBRUARY 1977, ALSO HOUSE REPORT 95-32 SUMMARY OF TESTIMONY AND FINDINGS AND CONCLUSIONS RESULTING FROM OVERSIGHT HEARINGS ON NARCOTICS ABUSE AND CONTROL (PRINTED FEBRUARY 22, 1977)

This report was the immediate product of initial oversight hearings designed to elicit from the appropriate Federal agencies the current status of narcotics law enforcement, control and treatment efforts enunciated by congressional mandate.

The report concluded that (1) we must begin to institutionalize our efforts against drug abuse with a flexible policy which anticipates crises rather than reacts to them, and concentrates on better management; (2) the current status of international drug control reflects confusion, conflict and chronic rhetoric; and (3) to avoid repetition of our past mistakes and misjudgments, we must develop a system of interlocking responsive Federal programs.

This report contains extensive preliminary recommendations for a Federal drug strategy, providing a foundation for a large part of the committee's direction to date.

2. APPENDIX TO INTERIM REPORT, (SCNAC 95–1–3), FEBRUARY 1977, SUBMISSIONS TO THE RECORD PURSUANT TO OVERSIGHT HEARINGS

This appendix contains submissions for the record pursuant to offers made by witnesses and responses to specific requests made by the committee during the oversight hearings on Narcotics Abuse and Control held in late September, 1976.

Also found in this appendix is information and correspondence from those agencies which did not testify at the hearing.

This information was instrumental in the development of the above-listed Interim Report, SCNAC 95-1-2.

3. NEW YORK CITY REPORT (SCNAC 95–1–4), FEBRUARY 1977 SUMMARY OF TESTIMONY AND FINDINGS AND CONCLUSIONS RESULTING FROM HEARINGS IN NEW YORK ON DRUG LAW ENFORCEMENT (PRINTED MARCH 8, 1977)

This report summarizes the observations of the Members of the Select Committee made during their three undercover visits to Harlem, and the testimony of local and Federal officials at the 2 days of formal hearings.

The report concludes, based on the testimony of Department of Justice officials, that narcotics law enforcement in New York City at the street level is not a high priority of the Federal Government. This lack of priority had contributed to creating "a class of citizenry that can no longer expect enforcement of the law on a local or State level."

The report includes material from Mayor Beame requesting Federal funding for narcotics law enforcement in New York City and the response from the Department of Justice.

4. REPORT ON SEVEN NATION FACT-FINDING MISSION, NOVEMBER 4–21, 1976 (SCNAC–95–1–6) FEBRUARY 22, 1977

This committee report presents findings, conclusions, and recommendations developed during a study mission to Europe and Southeast Asia. Included in this report are recommendations that:

(1) The nations affected by narcotics abuse convene an international conference on antinarcotic efforts.

(2) The United Nations Fund for Drug Abuse Control should be enhanced in terms of personnel, budget and authority to deal with international narcotics matter.

(3) The Drug Enforcement Administration should continue to support the antinarcotic law enforcement efforts of nations which request it.

(4) The Department of State should consider the use of counterpart funds or excess currencies for support of antinarcotics programs whenever feasible.

5. NEW YORK CITY SCHOOLS (SCNAC 95–1–7), JANUARY 1977 PRELIMINARY STAFF STUDY—DRUG ABUSE IN NEW YORK CITY SCHOOLS (PRINTED FEBRUARY 14, 1977)

This report describes the committee's initial investigation into the drug abuse problem of juveniles both in an out of the New York City school system. It describes the problems of law enforcement in school jurisdictions, effective prevention populations, funding levels, and the use of "mules" by adult drug pushers trafficking in New York City. One startling finding uncovered during the committee's investigations which preceded the writing of this report, was that over 80,000 children of elementary and high school age are truant from the New York City school system.

6. DECRIMINALIZATION REPORT (SCNAC 95-1-9), MAY 1977 CONSIDERATION FOR AND AGAINST THE REDUCTION OF FEDERAL PENALTIES FOR POSSESSION OF SMALL AMOUNTS OF MARIHUANA FOR PERSONAL USE (PRINTED MAY 26, 1977)

This report presents both sides of the marihuana decriminalization issue, based on hearings held on March 14, 15, and 16, 1977, at which the committee heard testimony from 33 witnesses representing varied opinions, attitudes and areas of expertise. The committee evaluated the testimonies and prepared statements of witnesses in accordance with existing scientific, legal and sociological research and presented them in the following categories: Federal policy considerations, legal considerations, medical considerations, law enforcement considerations, sociological considerations, public and private sector considerations, and the California-Oregon experience.

In accordance with its mandate, the committee presented its evidentiary record and its findings without taking a position either for or against a reduction in the Federal penalty for possession for personal use of small amounts of marihuana.

7. THE INTERNATIONAL NARCOTICS CONTROL COMMISSION REPORT (SCNAC 95-1-10), A REPORT OF THE 27TH SESSION OF THE UNITED NATIONS COMMISSION ON NARCOTIC DRUGS

In November 1976, Chairman Wolff and Congressmen Gilman and Scheuer visited the United Nations drug control organizations at their headquarters in Geneva, Switzerland to review U.N. narcotics activities, particularly the United Nations Fund for Drug Abuse Control (UNFDAC). Based upon the findings of that November 1976 visit, the Select Committee created a task force to monitor the activities of the United Nations Commission on Narcotic Drugs and to seek increased financial support for UNFDAC.

The committee's task force, consisting of Congressmen Gilman and Scheuer, returned to Geneva to attend the February, 1977 meeting of the 27th Session of the United Nations Commission on Narcotic Drugs. On February 11, 1977, Mr. Gilman addressed the Commission during its discussion of the annual report of UNFDAC, pointing out that the United States and Canada contribute 85 percent of UNFDAC's total budget and that a more equitable assumption of fiscal responsibility by nations of the international community was needed. Mr. Scheuer provided additional remarks that he had also expressed in his separate views to the committee's Interim Report.

Along with appendiced reports, the Select Committees' report of the 27th Session of the U.N. Commission on Narcotic Drugs, includes a discussion of UNFDAC programs and projects, the reluctance by some nations to contribute to the Fund, certain "shortcomings" with regard to the Commission and the Fund, and the relocation of the U.N. antinarcotics community from Geneva to Vienna.

8. SOUTHEAST ASIA TRIP REPORT (SCNAC 95-1-11), APRIL 1977 OPIUM PRODUCTION, NARCOTICS FINANCING AND TRAFFICKING IN SOUTHEAST ASIA (PRINTED AUGUST 1, 1977)

This publication reports on a Select Committee special study mission to Asia conducted April 7-20, 1977. The report includes documentation of trip events as well as an indepth assessment of the following issues: drug abuse in the U.S. military stationed in Asia; the banking system as it applies to narcotics financing in Hong Kong; the role of the Drug Enforcement Administration overseas; the current socio-economic and political situation in the Golden Triangle as it relates to heroin trafficking; and the feasibility and desirability of various U.S. policy alternatives aimed at reducing the flow of opiates from the Golden Triangle.

9. SOUTH AMERICAN COCAINE MISSION, (SCNAC 95-1-13), AUGUST 9-23, 1977 REPORT ON COCAINE PRODUCTION AND TRAFFICKING

On August 9-23, 1977, the Select Committee on Narcotics Abuse and Control conducted a six country factfinding mission in South America to study the nature and extent of cocaine production, manufacture distribution, trafficking and use. A number of important findings are delineated in the trip report.

The committee was able to document reports of large numbers of coca fields, both illicit and licit. Although signatories of the Single Convention on March 30, 1961, both Peru and Bolivia continue to be the major growers of the coca leaf. Crop and income substitution in these countries are difficult accomplishments due to lack of support resources and the presence of certain political realities. Ecuador is significant as a transshipment point for coca paste headed north for refining in Colombia. Colombia is the single most important staging point for cocaine destined to the United States; this country has multiple clandestine laboratories as well as a highly sophisticated organized crime element possessing the international contacts and the expertise necessary to transport cocaine with minimal interdiction. Chile and Brazil are of less concern in growing or refining activities, but must still be considered from their role as transshipment points for the final exported product.

Law enforcement and international cooperation were perceived as crucial variables. In general, some efforts at interdiction are being made in each country, but major improvement is still needed. Existing international treaties and pacts were generally viewed as unsatisfactory. Interdiction is minimal; the committee estimates an interdiction rate of only 1 percent.

The report emphasizes that despite all attempts to stem the flow of cocaine before it enters the United States, trafficking continues to flourish and is becoming increasingly sophisticated in its techniques and methods. The strong relationship between the overwhelming growth of cocaine use in this country and the easy availability of the substance in South America must be the focal point of any effective attack on this problem.

10. U.S. NARCOTIC POLICY IN SOUTHEAST ASIA REPORT (SCNAC–95–1–14)

This report will include background information on the administration's current and future narcotics assistance requests for Thailand and Burma. The report will include a section on the concept of preemptive buys of opium including the four proposals which have come to the attention of Chairman Wolff since 1971. The 2-day hearing will be summarized and analyzed according to the following specific categories:

(*a*) the present situation in Burma and Thailand;
(*b*) the effectiveness of current enforcement efforts;
(*c*) the U.S.-Burmese, U.S.-Thai, and Thai-Burmese relationships; and
(*d*) the various policy alternatives.

The final section will be a discussion of the Federal decisionmaking process as it relates to international narcotics control matters.

11. CHICAGO REPORT (SCNAC–95–1–16) REPORT OF INVESTIGATION OF NARCOTICS TRAFFICKING PROCEEDS

This report is the product of extensive investigation of heroin trafficking in Chicago and a 2-day hearing on September 30 and October 1, 1977, on the transport of heroin from Durango, Mexico, the laundering of money in Chicago, and the transfer of funds to Mexico.

The testimony of the Drug Enforcement Administration (DEA), Internal Revenue Service (IRS), Customs Service, Illinois State Department of Financial Institution, and Chicago Police, indicated a fragmentation of efforts and priorities. The hearings indicated that a crackdown upon a trafficker's financial assets and movement of money is one of the most useful tools available to law enforcement authorities, and when used, the results can be significant.

Since the hearings, governmental agencies have increased their efforts at hindering and preventing these financial operations. The IRS has dispatched a special task force to Chicago, to prosecute flagrant violators; the Treasury Department has conferred with the committee with the intention of using the committees' findings in its Amended Bank Secrecy Act rules and regulations; DEA has received valuable information which it has used in its on-going financial investigations; and the State of Illinois is currently auditing currency exchanges with renewed emphasis and thoroughness.

The report concludes with recommendations for legislative and administrative changes.

D. Services Provided to Standing Committees

1. GENERAL

Practical assistance has been given to many Members of the House on an almost daily basis by the committee staff. In addition to sending copies of all committee publications to all Members of the House, the staff has provided the seven standing committees having jurisdiction over drug abuse matters with advanced texts of committee publications and with personal liaison on numerous occasions. The staff has had over 100 conferences with standing committee members and staff.

The committee has proposed legislative suggestions to the standing committees in many of its reports. For example, recommendations were made to both the Ways and Means Committee and the Banking and Currency Committee regarding weaknesses in the Bank Secrecy Act of 1974 and the Tax Reform Act of 1976. In each of these instances, suggestions were made to amend these acts to prohibit the transfer of illicit money.

Some members of the Select Committee introduced measures with regard to reducing the penalties for the personal use of small amounts of marihuana. Other Members testified before the House Committee on Government Operations with respect to the termination of the Office of Drug Abuse Policy by the President's Reorganization Plan No. I of 1977. Various Committee members together with staff have advised the Members and staff of standing committees on topics involving current legislation concerns. For example, of the nine Members introducing bills supporting ratification of the Psychotropic Convention, seven were members of the Select Committee. Through the efforts of Members, the position of the Coast Guard in law enforcement activities was strengthened. Additional appropriations were provided to both the National Institute on Drug Abuse and the Drug Enforcement Administration as a result of the Select Committee's representations. Various Department of State protocols, treaties and declarations were enhanced by support from members of the Select Committee.

The Select Committee also sought to achieve better cooperation between the Congress and the executive agencies. No factfinding mission abroad was undertaken without the presence of the leading executive agencies including, but not limited to, the Departments of State, Justice, Treasury, and Health, Education, and Welfare, the Drug Enforcement Administration, the National Institute on Drug Abuse, the U.S. Customs Service, the Immigration and Naturalization Service, and other Federal agencies involved in drug abuse prevention and control.

Specific legislative proposals initiated by the Select Committee are pending in the standing committees and in the House. These bills, if enacted, will serve to strengthen the Nation's continuing focus on drug abuse problem solutions.

2. CONGRESSIONAL RESOURCE GUIDE

In keeping with its mandate to engage in a comprehensive and continuous study of drug abuse in the United States, the Select Committee, during 1977, undertook the development of a Congressional Resource Guide to explain the Federal effort in narcotic abuse and control. This document, presently completed but in draft form, aggregates for the first time, all available information on the Federal drug abuse effort from 1969 through 1976. The guide reviews the three majors components of the Federal narcotic effort including legislation, budget, and Federal program organization. The guide contains authorizing and enabling drug-specific and drug-impacting legislation, Government agencies involved in the Federal effort, and the level of funding of the drug abuse effort by program area. The resulting package is the first definitive guide to the Federal drug abuse effort and will be an invaluable tool for evaluating the Federal effort over the past several years of turmoil in the field. The guide will be useful not only to Members of Congress and staff, but also to the executive agencies, the Judiciary and the private sector. The guide will be published in early 1978.

E. Speeches and Other Public Education

In accord with the Select Committee's responsibility to coordinate congressional drug abuse oversight activities, the chairman and various members of the committee have presented a congressional viewpoint on this problem to Government organizations, international bodies and the public at large. Through personal appearances, speeches and presentations through the media, members of the Select Committee and its chief counsel have informed the Nation not only of the concern of the Congress in checking the rampage of drug abuse in our society, but also of the concrete recommendations and legislation that Congress might enact to improve current approaches to the reduction of both supply and demand for drugs. That these views have been widely disseminated is evidenced in the attention given them by the national and international media, and world opinion.

1. SPEECHES

December 1976—Joseph L. Nellis, chief counsel, Commencement Address, Drug Enforcement Administration.

January 1977—Chairman Lester L. Wolff, January 11th, Floor of the House, upon Select Committee Reconstitution.

February 1977—Joseph L. Nellis, chief counsel, League of Cities Conference, Washington, D.C.

March 1977—Joseph L. Nellis, chief counsel, Executive Board, National Institute on Drug Abuse, National Advisory Committee on Drug Abuse.

May 17, 1977—Chairman Lester L. Wolff, Southeast Asia Drug Trafficking, Floor of the House.

May 17, 1977—Congressman Benjamin A. Gilman before the 17th Mexico-United States Interparliamentary Conference, Hermosillo, Sonora, Mexico.

June 1977—Chairman Lester L. Wolff, Speech before the National Womens Alliance, Washington, D.C.

July 1977—Congressman Benjamin A. Gilman, floor Statement Against the Abolishing of ODAP; Joseph L. Nellis, University of Washington, Seattle (Drug Abuse Conference).

August 1977—Congressman Morgan F. Murphy, Drugs in School, Chicago Teachers Association.

September 1977—Joseph L. Nellis, chief counsel, Seminar Presentation to the Washington Area Narcotics Enforcement Officers.

November 1977—Chairman Lester L. Wolff, Statement before the 32d Session of the United Nations General Assembly, in the Third Committee, on Narcotics.

December 1977—Joseph L. Nellis, chief counsel, NORML, National Organization for the Reform of Marihuana Laws, Drug Abuse Conference, International Controls.

2. PRESS CONFERENCES AND RELEASES

September 21, 1976 News Release—Opening Remarks of Chairman, Lester L. Wolff, Select Committee on Narcotics Abuse and Control—Initial Session of Select Committee.

September 28, 1976 News Release—Chairman Lester L. Wolff, Select Committee on Narcotics Abuse and Control Warns of Turkish Opium Surpluses.

November 18, 1976 News Release—Congressman Rangel, Chairs Select Committee on Narcotics Abuse and Control. New York City Hearings on Drug Law Enforcement.

November 20, 1976—Statement by Lester L. Wolff to His Holiness, Pope Paul VI.

November 21, 1976—Statement by Pope Paul VI to the Select Committee on Narcotics Abuse and Control.

December 2, 1976 Press Conference—Statement of the Chairman, Lester L. Wolff—Joint Mission to Seven Nations: France, Switzerland, Egypt, Germany, Pakistan, Afghanistan, Italy—Proposal for International Conference.

February 23, 1977—Statement of Chairman Lester L. Wolff. Release to the Public of the Select Committee's Interim Report.

March 11, 1977 Press Release—Select Committee Hearings on Decriminalization of Marihuana.

March 24–28, 1977 Press Conference—Statement of the Chairman, Lester L. Wolff—Fact-Finding Mission and Personal Observation of the Committee on the Tour of Southwest Border.

March 31, 1977 United States Congress News—Lester L. Wolff to Lead Congressional Delegation to Asia.

March 31, 1977 News Release—Tour of the Southwest Border Report of Findings.

April 5, 1977 Press Release—Chairman, Lester L. Wolff Praises Recent New York City Attack on Organized Drug Traffickers.

April 27, 1977 News Release—Select Committee Lands Norwegian Support of United States Fund for Drug Abuse Control (UNFDAC), Challenges Soviet Union and China.

May 17, 1977 News Release—Select Committee Applauds Expanded Concern for International Drug Problems by Swedish Government.

May 18, 1977 United States Congress News—Chairman Lester L Wolff to Announce Names of International Heroin Traffickers.

June 8, 1977 News Release—Chairman Lester L. Wolff, Congressmen Burke and Gilman—Results of 17th Mexico-United States Interparliamentary Conference.

June 10, 1977—Remarks by Chairman, Lester L. Wolff at the Press Conference of the Select Committee on Narcotics concerning the 17th Mexico-United States Interparliamentary Conference.

June 10, 1977—Remarks by Congressman Gilman at the Press Conference of the Select Committee on Narcotics Abuse and Control—The Hermosillo Declaration on Narcotics—Mexicans Declare War on Drugs.

July 7, 1977 News Release—Select Committee to Explore Urgent Administration Program and Alternative Policies for Dealing With Southeast Asian Opium and Heroin.

July 28, 1977 News Release—House of Representatives, Select Committee on Narcotics Chief Counsel Reviews International Anti-Narcotics Efforts.

August 4, 1977—Statement of Chairman Lester L. Wolff Regarding the President's Message on Drug Abuse on August 2, 1977.

August 8, 1977 News Release—Statement made by the Chairman, Lester L. Wolff—Select Committee to Take Action Against Cocaine Epidemic.

August 17, 1977 News Release—Chairman Lester L. Wolff of the Select Committee on Narcotics Abuse and Control—Narcotics Trafficking in Peru Proves Costly.

August 25, 1977 News Release—Congressman Burke, Discourages Decriminalization of Marihuana.

September 2, 1977 News Release—Select Committee on Narcotics Abuse and Control Reports on South American Fact-Finding Mission.

September 7, 1977 News Release—Statement by the Chairman, Lester L. Wolff—Growing Threat of South American Cocaine.

September 22, 1977 News Release—Congressman Rangel Proposes Transfer of Narcotics Case Backlog from New York City to Federal Jurisdiction.

October 20, 1977 News Release—Chairman Lester L. Wolff will Conduct a Tour for United Nations Delegates through Harlem and Two New York City Detoxification Centers.

October 25, 1977 News Release—Chairman Lester L. Wolff Leads United Nations Delegates on Inspection Tour of New York City Key Narcotics Problem Areas and Treatment Facilities.

December 7, 1977 News Release—Introduction of Chairman Lester L. Wolff's Resolution to the United Nations Third Committee on International Drug Control.

F. Miscellaneous

1. PSYCHOTROPIC CONVENTION

Under the leadership of Congressman Rogers and Congressman Rodino, the Select Committee has been very active in seeking congressional endorsement of the Convention on Psychotropic Substances which seeks to control the production, manufacture, distribution and sale of certain psychotropic substances having a high potential for abuse. More than forty nations have ratified the convention thus making it a viable instrument of international drug control.

2. UNITED NATIONS RESOLUTION

Chairman Wolff, on November 28, 1977, introduced a precedent-setting resolution on narcotics before the 32d Session of the United Nations General Assembly, in the Third Committee, on Narcotics. The resolution calls for a global effort to combat drug abuse by creating an international facility at Vienna that would attempt to solve the growing drug menace through international cooperation. Response to the chairman's proposal was very encouraging and there is strong likelihood that the resolution will be adopted and acted upon.

3. HERMOSILLO DECLARATION

At the 17th Mexico-United States Interparliamentary Conference at Hermosillo, Sonora, Mexico (May 26–31, 1977), Congressman Gilman presented a paper on narcotics trafficking that provided the basis for what has become known as the Hermosillo Declaration. The Declaration, which was signed by the delegates from both Mexico and the United States, condemns the illegal cultivation of all narcotic producing plants and expresses the desire by Mexico and the United States to intensify their efforts to eradicate the cultivation, traffic, use and abuse of heroin and other dangerous drugs. On June 27, Mr. Gilman introduced H. Con. Res. 265 (cosponsored by Congressmen Burke and de la Garza, and all other Members of the Congressional delegation attending the Hermosillo Conference), endorsing the Hermosillo Declaration. H. Con. Res. 265 passed the House on October 31.

4. PRESIDENT'S MESSAGE

On August 2, 1977, President Carter delivered a major address on drug abuse to the Congress. The Select Committee provided major input into the preparation of this speech, which called for a national policy on drug abuse and the need for international cooperation in meeting its challenge. The need for a unified and well-orchestrated Federal campaign to end drug abuse was also cited with the pledge that all Federal agencies must work together to fight drug abuse.

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Union Calendar No. 967

95th Congress, 2d Session - - - - - - - - - House Report No. 95–1833

REPORT OF THE ACTIVITIES

OF THE

COMMITTEE ON ARMED SERVICES

FOR THE

NINETY-FIFTH CONGRESS

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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*Died Oct. 11, 1978.

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LETTER OF TRANSMITTAL

U.S. House of Representatives,
Committee on Armed Services,
Washington, D.C., January 2, 1979.

Hon. Edmund L. Henshaw, Jr.,
Clerk of the House,
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Henshaw: Pursuant to provisions of House rule XI 1.(d), 95th Congress, there is transmitted herewith the report of activities of the Committee on Armed Services for the 95th Congress.

Sincerely,

Melvin Price, *Chairman.*

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Union Calendar No. 967

95th Congress, 2d Session } HOUSE OF REPRESENTATIVES { Report No. 95-1833

REPORT OF THE ACTIVITIES OF THE COMMITTEE ON ARMED SERVICES

January 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Price, from the Committee on Armed Services submitted the following

REPORT

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POWERS AND DUTIES, COMMITTEE ON ARMED SERVICES, 95TH CONGRESS

BACKGROUND

The House Committee on Armed Services, a standing committee of Congress, was established on January 2, 1947, as a part of the Legislative Reorganization Act of 1946 (60 Stat. 812), by merging the Committees on Military Affairs and Naval Affairs. The Committees on Military Affairs and Naval Affairs were established in 1822. In 1885, jurisdiction over military and naval appropriations was taken from the Committee on Appropriations and given to the Committees on Military Affairs and Naval Affairs, respectively. This policy continued until July 1, 1920, when jurisdiction over all appropriations was again placed in the House Committee on Appropriations. In 1911, section 12 of rule XI, House of Representatives, was amended to give the Committee on Military Affairs jurisdiction over militia matters and the Committee on the Militia was discontinued.

In the 93d Congress, following a study by the House Select Committee on Committees, the House passed House Resolution 988, the Committee Reform Amendments of 1974, to be effective January 3, 1975. As a result of those amendments, the jurisdictional areas of the Committee on Armed Services remained essentially unchanged. However, oversight functions were amended to require each standing committee to review and study on a continuing basis all matters within the jurisdiction of the committee. Also, the Committee on Armed Services was to review and study on a continuing basis all laws, programs, and government activities dealing with or involving international arms control and disarmanent and the education of military dependents in schools.

The rules changes adopted by the House (House Resolution 5) on January 4, 1977, placed new responsibilities in the atomic energy field in the Armed Services Committee. Those responsibilities involve the national security aspects of atomic energy heretofore under the jurisdiction of the Joint Committee on Atomic Energy. Public Law 95–110, effective September 20, 1977, abolished the Joint Committee on Atomic Energy.

With the adoption of House Resolution 658 on July 14, 1977, which established the House Permanent Select Committee on Intelligence, the jurisdiction of the House Armed Services Committee over intelligence matters was diminished.

That resolution gave the Select Commitee on Intelligence oversight responsibilities for intelligence and intelligence-related activities and programs of the U.S. Government. Specifically, the Select Committee on Intelligence has exclusive legislative jurisdiction regarding the Central Intelligence Agency and the Director of Central Intelligence, including authorizations. Also, legislative jurisdiction over all intelligence and intelligence-related activities and programs was vested in the select committee, except that other committees with a jurisdictional interest may request consideration of any such matters.

The House Armed Services Committee continues to have shared cognizance over general intelligence activities not within the exclusive jurisdiction of the select committee and continues to have access to intelligence information.

Constitutional Powers and Duties

The powers and duties of Congress in relation to national defense matters stem from article I, section 8, of the Constitution, which provides, among other things, that the Congress shall have power to—

Raise and support armies;

Provide and maintain a navy;

Make rules for the government and regulation of the land and naval forces;

Provide for calling forth the militia;

Provide for organizing arming, and disciplining the militia, and for governng such part of them as may be employed in the service of the United States;

Exercise exclusive legislation * * * over all places purchased * * * for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

Make all laws which shall be necessary and proper for carrying into execution the foregoing powers.

House Rules on Jurisdiction

Rule X of the Rules of the House of Representatives established the standing committees of the House and set out their jurisdiction. Under that rule, all bills, resolutions, and other matters relating to the subjects within the jurisdiction of any standing committee shall be referred to such committees. Rule X.1.(c) established the jurisdiction of the Committee on Armed Services as follows:

(1) Common defense generally.

(2) The Department of Defense generally, including the Departments of the Army, Navy, and Air Force generally.

(3) Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments.

(4) Conservation, development, and use of naval petroleum and oil shale reserves.

(5) Pay, promotion, retirement, and other benefits and privileges of members of the Armed Forces.

(6) Scientific research and development in support of the Armed Services.

(7) Selective service.

(8) Size and composition of the Army, Navy, and Air Force.

(9) Soldiers' and sailors' homes.

(10) Strategic and critical materials necessary for the common defense.

(11) Military applications of nuclear energy.

In addition to its legislative jurisdiction and its general oversight function, the committee has special oversight functions with respect to international arms control and disarmament and military dependents education.

[NOTE.—Public Law 95–110, sec. 301(b) (Sept. 20, 1977) states: "Any reference in any rule, resolution, or order of the Senate or the House of Representatives or in any law, regulation, or Executive order to the Joint Committee on Atomic Energy shall, on and after the date of enactment of this section, be considered as referring to the committees of the Senate and the House of Representatives which, under the rules of the Senate and the House, have jurisdiction over the subject matter of such reference."]

REQUIREMENT FOR ANNUAL AUTHORIZATION

The jurisdiction of the committee so far as specific annual authorizations are concerned was increased significantly in 1959 by the enactment of Public Law 86–149 (section 412(b)) which required congressional authorization of appropriations for the procurement of aircraft, missiles, and naval vessels. This law has been amended and expanded as follows:

In 1962 (Public Law 87–436) to require similar authorization for research, development, test, and evaluation associated with aircraft, missiles, and naval vessels.

In 1964 (Public Law 88–174) to require authorization of appropriations for all research, development, test, and evaluation carried on by the Department of Defense.

In 1965 (Public Law 89–37) to require authorization of appropriations for procurement of tracked combat vehicles.

In 1967 (Public Law 90–168) to require annual authorization of the personnel strengths of each of the Selected Reserves of the Reserve components as a prior condition for the appropriation of funds for the pay and allowances for the Reserve components.

In 1969 (Public Law 91–121) to require authorization of appropriations for procurement of other weapons to or for the use of any armed force of the United States. (Essentially heavy, medium, and light artillery; antiaircraft weapons; rifles; machineguns; mortars; small arms weapons; and any crew-fired piece using fixed ammunition).

In 1970 (Public Law 91–441) to require authorization of appropriations for procurement of torpedoes and related support equipment; and to require authorization by Congress of average annual active-duty personnel strength for each component of the Armed Forces (subsequently amended by Public Law 92–436 to substitute an annual "end strength for active-duty personnel" requirement in lieu of an "average annual active-duty personnel strength").

In 1972 (Public Law 92–436) to require authorization of the average military training student loads for each component of the Armed Forces. Such authorization is not required for unit recruit training student loads but is required for student loads for the following individual training categories: recruit and specialized training, flight training, professional training in military and civilian institutions and officer acquisition training.

In 1973 (Public Law 93–155) to require authorization of the end strength for civilian employees for each component of the Department of Defense for each year, commencing with the fiscal year which began on July 1, 1974.

Section 803 of Public Law 93–155 also provided for the codification of the above requirements for annual authorization of appropriations for the Armed Forces as sections 138 and 139 of chapter 4, title 10, United States Code. Thus permanent law requires that authorization must precede appropriations for, or obligations or expenditure of funds for, the Armed Forces.

INVESTIGATIVE AUTHORITY

House Resolution 988, 93d Congress, the Committee Reform Amendments of 1974, amended rule XI, clause 1(b), of the Rules of the House of Representatives, to provide general authority for each committee to investigate matters within its jurisdiction. That amendment established a permanent investigative authority and relieves the committee of the former requirement of obtaining a renewal of the investigative authority by a House resolution at the beginning of each Congress. House Resolution 988 also amended rule X of the Rules of the House of Representatives by requiring, as previously indicated, that the standing committees are to conduct legislative oversight in the area of their respective jurisdiction, and by also establishing specific oversight function for the Committee on Armed Services.

House Resolution 310, approved by the House of Representatives on March 22, 1977, and House Resolution 972, approved by the House of Representatives on February 15, 1978, provided funds for the oversight responsibilities to be conducted in the 95th Congress pursuant to rule X, clause 2(b)(1), of the Rules of the House of Representatives (relating to general oversight responsibilities), clause 3(a) (relating to special oversight responsibilities), and rule XI.1(b) (relating to investigations and studies).

RULES OF PROCEDURE ADOPTED BY COMMITTEE

The committee held its organizational meeting for the 95th Congress on January 27, 1977, and adopted the following rules governing procedures for the committee:

1. The Committee on Armed Services will meet every Tuesday at 10 a.m., and at such other times as may be fixed by the chairman or by the written request of members of the committee, pursuant to House rule XI, clause 2(c).

A Tuesday meeting of the committee may be dispensed with by the chairman, but such action may be reversed by a written request of a majority of the members.

2. A member may vote by special proxy, which must be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. A member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum. A proxy may be used in subcommittee or full committee. All proxies must be filed with the staff director and be available for inspection at any time.

3. A rollcall of the members may be had upon the request of five r more members present or, in the case of subcommittees, on the equest of one-fifth of a majority.

4. (a) The Committee on Armed Services of the House of Repre- entatives shall be organized to consist of the following standing ubcommittees:

"The Intelligence and Military Application of Nuclear Energy ubcommittee" which shall have legislative jurisdiction over the ilitary application of nuclear energy, including research and de- elopment related thereto; intelligence matters related to national ecurity; and related oversight. The subcommittee also has oversight esponsibilities with regard to international arms control and dis- rmament.

"The Seapower and Strategic and Critical Materials Subcommit- ee" which shall have legislative jurisdiction over procurement and onstruction of naval vessels; sealift; antisubmarine warfare; dis- osal of naval vessels; strategic and critical materials necessary for he national defense; naval petroleum reserves; and related legislative versight.

"The Investigations Subcommittee" which shall have legislative urisdiction over Armed Services procurement regulations and re- ated procurement matters; organization of the Department of De- ense, including proposed reorganizations; commissaries and ex- hanges, clubs and related nonappropriated funds activities of the Armed Forces; and related legislative oversight; and investigative au- hority in relation to the committee's general oversight responsibilities.

"The Research and Development Subcommittee" which shall have egislative jurisdiction over annual authorization for research and levelopment; airlift; and related oversight.

"The Military Installations and Facilities Subcommittee" which hall have legislative jurisdiction over military construction; real estate acquisitions and disposals; housing and support facilities; base closures; real estate generally; civil defense; and related legislative oversight.

"The Military Personnel Subcommittee" which shall have legisla- ive jurisdiction over authorized strengths; active-duty and reserve training; recruiting; Reserve Officers' Training Corps; Selective Service; military justice; enlistments and separations; awards; academies; human relations; medical care; and related legislative oversight.

"The Military Compensation Subcommittee" which shall have legislative jurisdiction over pay and allowances; promotion; retirement; and related legislative oversight.

(b) The chairman shall refer legislation and other matters to the subcommittee of appropriate jurisdiction within 2 weeks unless, by a majority vote of the members of the full committee, consideration is to be by the full committee.

(c) The chairman of a standing subcommittee may designate a panel of such subcommittee to inquire into and take testimony on a specific matter within the jurisdiction of that subcommittee and to report to the subcommittee for further reference to the full committee as may be appropriate.

(d) The chairman of the full committee, with approval of a majority of the members voting, a majority of the committee being present, shall have authority to discharge a subcommittee from consideration of any bill, resolution, or other matter referred thereto and have such measure or matter considered by the full committee.

(e) The full committee, and all subcommittees, may require, by subpena or otherwise, the attendance and testimony of such witnesse and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. Any such subpena may be authorized and issued by the committee, or subcommittee, in the conduct of any investigation or a series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpenas under this rule may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by th committee.

(f) The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(g) Chairmen of standing subcommittees who sit on a second subcommittee shall rank behind other members serving on that subcommittee as their primary subcommittee assignment.

5. Reports and recommendations of a subcommittee shall not b considered by the full committee until after the intervention of calendar days from the time the report is approved by the subcommittee and printed hearings thereon are available to the members except that this rule may be waived by a majority vote of a quorum of the committee.

6. Bills shall be taken up for hearing only when called by the chai man of the full committee or subcommittee, or by a majority vote of quorum of the full committee or a subcommittee. A majority of th full committee or subcommittee shall constitute a quorum for reporting or tabling a measure or recommendation. A quorum for the purpos of taking testimony and receiving evidence by either the full committee or any subcommittee shall be not less than two. A quorum fo taking any other action shall be not less than one-third of the member of the full committee or subcommittee, unless otherwise indicated i the committee rules.

7. Any prepared statement to be presented by a witness to th committee or a subcommittee shall be submitted to the committe at least 48 hours in advance of presentation and shall be distribute to all members of the committee or subcommittee at least 24 hour in advance of delivery. If a prepared statement contains securit information bearing a classification of secret or higher, the statemen shall be made available in the committee room to all members of th committee at least 24 hours in advance of delivery; however, no suc statement shall be removed from the committee offices. The requir ment of this rule may be waived upon a majority vote of the fu committee or any subcommittee, a quorum being present.

All national security information bearing a classification of secr or higher which has been received by the committee or a subcommitt of the Committee on Armed Services shall be deemed to have bee received by the committee in executive session and shall be give appropriate safekeeping.

The chairman of the full committee shall, with the approval of the full committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received by the committee classified as secret or higher. Such procedures shall, however, insure access to this information by any member of the committee or any other Member of the House of Representatives who has requested the opportunity to review such material.

8. When a witness is before the committee, members of the committee may put questions to the witness only when they have been recognized by the chairman for that purpose.

9. Members of the committee who so desire shall have not to exceed 5 minutes to interrogate each witness until such time as each member has had an opportunity to interrogate such witness; thereafter, additional time for questioning witnesses by members is discretionary with the chairman.

10. Questions put to witnesses before the committee shall be pertinent to the bill or other subject matter that may be before the committee for consideration.

11. The time any one member may address the committee on any bill, motion, or other matter under consideration by the committee shall not exceed 5 minutes, and then only when he has been recognized by the chairman, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed 5 minutes to address the committee on behalf of an amendment which he has offered to any pending bill or resolution.

12. No private bill will be reported by the committee if there are two or more dissenting votes. Private bills so rejected by the committee will not be reconsidered during the same Congress unless new evidence sufficient to justify a new hearing has been presented to the Congress.

13. (a) Each committee or subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the committee or subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided*, *however*, That no person other than members of the committee and/or subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public.

(b) Each hearing conducted by the full committee or subcommittee shall be open to the public except when the full committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. No member may be excluded from nonparticipatory attendance at any hearing of the full committee or subcommittee, unless the House of Representatives shall by majority vote authorize the full committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by the same procedures designated in this rule for closing hearings to the public: *Provided, however*, That the full committee or the subcommittee may by the same procedure vote to close one subsequent day of hearing.

(c) The full committee and each subcommittee shall make public announcement of the date, place and subject matter of the full committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the full committee or subcommittee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest.

(d) The full committee and each subcommittee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(e) No point of order shall lie with respect to any measure reported by the full committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the committee rules; except that a point of order on that ground may be made by any member of the full committee or subcommittee which reported the measure if, in the full committee or subcommittee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

14. If, at any time of approval of any measure or matter by the committee, any member of the committee gives timely notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the staff director of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter.

15. The result of each rollcall in any meeting of the committee shall be made available by the committee for inspection by the public at reasonable times in the office of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. With respect to each record vote by the committee on each motion to report any bill or resolution of public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

16. The attendance records of members at committee meetings (including subcommittee meetings) shall be available for public inspection in the office of the committee.

17. The staffing of the full committee and the standing subcommittees shall be subject to the appropriate rules of the House of Representatives, including, among other things, the provisions of rule XI, clause 5(d).

*18. In accordance with the provision of rule XI, clause 3, Rules of the House of Representatives, it is the purpose of this rule to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee or subcommittee hearings or meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage. In that regard, the provisions of rule XI, clause 3(a)-(d) are specifically incorporated herein by reference.

The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees respectively whether hearings or meetings which are open may be broadcast, unless the committee or its subcommittees respectively by majority vote determine otherwise.

In accordance with rule XI, clause 3(f), the following provisions shall apply to the broadcasting of committee or subcommittee hearings or meetings which are open to the public:

(a) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(b) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of rule XI, of the Rules of the House of Representatives, relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The allocation among the television media of the positions of the number of television cameras permitted in a hearing room shall be in accordance with fair and equitable procedures devised by the executive committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any Member of the committee or its subcommittees or the visibility of the witness and that Member to each other.

(e) Television cameras shall not be placed in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(f) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee or subcommittee is in session.

(g) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(h) No more than five press photographers shall be permitted to

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*Rule No. 18 was adopted by the committee on October 18, 1977.

cover a hearing or meeting by still photography. In the selection of these photographers, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If request is made by more than five of the media for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(i) Photographers shall not position themselves, at any time during the course of the hearing or meetings, between the witness table and the members of the committee or its subcommittees.

(j) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(k) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(l) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(m) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobstructive manner.

RULES FOR INVESTIGATIVE AND LEGISLATIVE HEARINGS CONDUCTED BY SUBCOMMITTEES

I

Power To Sit and Act; Subpena Power

1. For the purpose of carrying out any of its functions and duties under House rules X and XI, the subcommittee is authorized (subject to subparagraph 2.A. of this paragraph):

A. to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

B. to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as it deems necessary. The chairman of the subcommittee, or any members designated by such chairman, may administer oaths to any witness.

2.A. A subpena may be authorized and issued by a subcommittee under subparagraph 1.B. in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Authorized subpenas shall be signed by the chairman of the committee, or by any member designated by the committee.

B. Compliance with any subpena issued by a subcommittee under subparagraph 1B. may be enforced only as authorized or directed by the House. (House rule XI, clause 2(m); Armed Services Committee rule 4(e).)

II

Quorum

Each subcommittee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall be not less than two. (House rule XI, clause 2(h); Armed Services Committee rule 6.)

III

Notice of Hearings

Each subcommittee shall make public announcement of the date, place, and subject matter of any subcommittee hearing at least one week before the commencement of the hearing. However, if the subcommittee determines there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest. (House rule XI, clause 2(g)(3); Armed Services Committee rule 13(c).)

IV

Meetings and Hearings

1. Each subcommittee meeting for the transaction of business, including the markup of legislation, shall be open to the public except when the subcommittee, in open session and with a majority being present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however*, That no person other than members of the subcommittee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. (House rule XI, clause 2, paragraph (g)(1); Armed Services Committee Rule 13(a).)

2. Each hearing conducted by a subcommittee shall be open to the public except when the subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. No member may be excluded from nonparticipatory attendance at any hearing of any subcommittee, unless the House of Representatives shall by majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its meetings to members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however*, That the subcommittee may by the same procedure vote to close one subsequent day of hearing. (House rule XI, clause 2(g)(2); Armed Services Committee rule 13(b).)

V

Prepared Statements

Each witness who is to appear before a subcommittee shall, insofar as is practicable, file with the subcommittee (in advance of his or her appearance) a written statement of the proposed testimony. Such witness will limit his or her oral presentation to a brief summary of the statement.

Any prepared statement shall be submitted to the subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the subcommittee at least 24 hours in advance of delivery.

If a prepared statement contains security information bearing a classification of secret or higher, the statement shall be made available in the committee room to all members of the subcommittee at least 24 hours in advance of delivery; however, no such statement shall be removed from the committee office. The requirements of this rule may be waived upon a majority vote of the subcommittee, a quorum being present. (House rule XI, clause 2(g)(4); Armed Services Committee rule 7.)

VI

Opening Statement

The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation. (House rule XI, clause 2(k)(1).)

VII

Information for Witnesses, Investigative Hearings

A copy of the committee rules and of clause 2(k) of House rule XI shall be made available to each witness.[1] (House rule XI, clause 2(k)(2).)

VIII

Right to Counsel

Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. (House rule XI, clause 2(k)(3).)

IX

Form of Oath

Witnesses, when sworn, shall subscribe to the following oath:

> You do solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?

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[1] The complete text of clause 2(k), House rule XI, is printed herein in subcommittee rules VI, VII, VIII, X, XI, XIII, XIV, and XV.

X

BREACHES OF ORDER

The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt. (House rule XI, clause 2(k)(4).)

XI

DEFAMATORY TESTIMONY OR EVIDENCE

If the subcommittee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

A. receive such evidence or testimony in executive session;

B. afford such person an opportunity voluntarily to appear as a witness; and

C. receive and dispose of requests from such person to subpena additional witnesses. (House rule XI, clause 2(k)(5).)

XII

PHOTOGRAPHING OF WITNESSES

No witness served with a subpena by the committee or a subcommittee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. (House rule XI, clause 3(f)(2).)

XIII

SUBPENA OF ADDITIONAL WITNESSES

Except as provided in rule XI, the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses. (House rule XI, clause 2(k)(6).)

XIV

TESTIMONY TAKEN IN EXECUTIVE SESSION

No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee (subcommittee). (House rule XI, clause 2(k)(7).)

XV

SWORN STATEMENTS

In the discretion of the subcommittee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record.

The subcommittee is the sole judge of the pertinency of testimony and evidence adduced at its hearing. (House rule XI, clause 2(k)(8).)

XVI

Transcript of Testimony

A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee (subcommittee). (House rule XI, clause 2(k)(9).)

XVII

The Rules of the House are the rules of its committees and subcommittees as far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees and subcommittees. (House rule XI, clause 1(a)(1).)

COMPOSITION OF THE COMMITTEE ON ARMED SERVICES, 95TH CONGRESS

On January 19, 1977, the House adopted House Resolution 117 and House Resolution 118, which fixed the membership of the Committee on Armed Services. The following Members were appointed to the committee:

MELVIN PRICE, Illinois, *Chairman*

CHARLES E. BENNETT, Forida
SAMUEL S. STRATTON, New York
RICHARD H. ICHORD, Missouri
LUCIEN N. NEDZI, Michigan
CHARLES H. WILSON, California
ROBERT L. LEGGETT, California
RICHARD C. WHITE, Texas
BILL NICHOLS, Alabama
JACK BRINKLEY, Georgia
ROBERT H. (BOB) MOLLOHAN
West Virginia
DAN DANIEL, Virginia
G. V. (SONNY) MONTGOMERY,
Mississippi
HAROLD RUNNELS, New Mexico
LES ASPIN, Wisconsin
RONALD V. DELLUMS, California
MENDEL J. DAVIS, South Carolina
PATRICIA SCHROEDER, Colorado
ABRAHAM KAZEN, Jr., Texas
ANTONIO B. WON PAT, Guam
BOB CARR, Michigan
JIM LLOYD, California
LARRY McDONALD, Georgia
THOMAS J. DOWNEY, New York
GOODLOE E. BYRON, Maryland [1]
CHARLES WHITLEY, North Carolina
RICHARD A. TONRY, Louisiana [2]
JOHN B. BRECKINRIDGE,
Kentucky [3]
BOB STUMP, Arizona [3]

BOB WILSON, California
WILLIAM L. DICKINSON, Alabama
G. WILLIAM WHITEHURST,
Virginia
FLOYD D. SPENCE, South Carolina
DAVID C. TREEN, Louisiana
ROBIN L. BEARD, Tennessee
DONALD J. MITCHELL, New York
MARJORIE S. HOLT, Maryland
ROBERT W. DANIEL, Jr., Virginia
ELWOOD H. (BUD) HILLIS, Indiana
DAVID F. EMERY, Maine
PAUL S. TRIBLE, Jr., Virginia
ROBERT E. BADHAM, California

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[1] Died October 11, 1978.
[2] Resigned from U.S. House of Representatives May 4, 1977.
[3] Elected to committee February 22, 1978.

SUBCOMMITTEES OF THE COMMITTEE ON ARMED SERVICES

Legislative Subcommittees

INTELLIGENCE AND MILITARY APPLICATION OF NUCLEAR ENERGY

Mr. Price, *Chairman*
Mr. Charles Wilson
Mr. Brinkley
Mr. Dan Daniel
Mr. Montgomery
Mr. Dellums
Mr. Carr
Mr. Bennett
Mr. Stratton

Mr. Bob Wilson
Mr. Dickinson
Mrs. Holt
Mr. Robert W. Daniel, Jr.

SEAPOWER AND STRATEGIC AND CRITICAL MATERIALS

Mr Bennett, *Chairman*
Mr. Charles Wilson
Mr. Mollohan
Mr. Aspin
Mrs. Schroeder
Mr. Carr
Mr. McDonald
Mr. Byron [1]
Mr. Tonry [2]
Mr. Breckinridge [2]

Mr. Spence
Mr. Bob Wilson
Mr. Emery
Mr. Trible

INVESTIGATIONS

Mr. Stratton, *Chairman*
Mr. Leggett
Mr. Mollohan
Mr. Dan Daniel
Mr. Runnels
Mr. Dellums
Mr. Davis [4]
Mr. Nedzi
Mr. Nichols

Mr. Beard
Mr. Treen
Mr. Robert W. Daniel, Jr.
Mr. Badham

RESEARCH AND DEVELOPMENT

Mr. Ichord, *Chairman*
Mr. Leggett
Mr. Runnels
Mrs. Schroeder
Mr. Lloyd
Mr. McDonald
Mr. Downey
Mr. Price
Mr. White

Mr. Dickinson
Mr. Whitehurst
Mr. Spence
Mr. Hillis

MILITARY INSTALLATIONS AND FACILITIES

Mr. Nedzi, *Chairman*
Mr. Charles Wilson
Mr. Brinkley
Mr. Davis
Mr. Kazen
Mr. Won Pat
Mr. Byron [1]
Mr. Whitley
Mr. Stump [3]
Mr. Ichord

Mr. Whitehurst
Mr. Beard
Mr. Mitchell
Mr. Badham

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[1] Died October 11, 1978.
[2] Resigned from U.S. House of Representatives May 4, 1977.
[3] Appointed to subcommittee March 1, 1978.
[4] Resigned from subcommittee May 2, 1978.

MILITARY PERSONNEL

Mr. White, *Chairman*
Mr. Montgomery
Mr. Kazen
Mr. Won Pat
Mr. Downey
Mr. Whitley
Mr. Tonry [2]
Mr. Stump [3]
Mr. Bennett
Mr. Nedzi

Mr. Treen
Mrs. Holt
Mr. Hillis
Mr. Emery

MILITARY COMPENSATION

Mr. Nichols, *Chairman*
Mr. Aspin
Mr. Davis
Mrs. Schroeder
Mr. Won Pat
Mr. Lloyd
Mr. Downey
Mr. Tonry [2]
Mr. Stratton

Mr. Mitchell
Mr. Beard
Mr. Trible
Mr. Badham

Special Subcommittee

SPECIAL SUBCOMMITTEE ON NATO STANDARDIZATION, INTEROPERABILITY AND READINESS

(Appointed May 2, 1978)

Mr. Dan Daniel, *Chairman*
Mr. Kazen
Mr. Carr
Mr. Lloyd
Mr. Stump
Mr. Ichord
Mr. White

Mr. Dickinson
Mr. Whitehurst
Mr. Beard

Subcommittee Panels

INTELLIGENCE AND MILITARY APPLICATION OF NUCLEAR ENERGY

Panel and the Strategic Arms Limitation Talks (SALT II) and the Comprehensive Test Ban Treaty (CTBT)

(Appointed May 4, 1978)

Mr. Charles Wilson, *Chairman*
Mr. Carr
Mr. Stratton

Mr. Dickinson
Mrs. Holt

Panel on the Mutual and Balanced Force Reduction (MBFR) Negotiations

(Appointed May 4, 1978)

Mr. Brinkley, *Chairman*
Mr. Bennett

Mr. Robert Daniel

Panel on the Indian Ocean Forces Limitation and Conventional Arms Transfer Limitation

(Appointed May 4, 1978)

Mr. Montgomery, *Chairman*
Mr. Dellums

Mr. Bob Wilson

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[2] Resigned from U.S. House of Representatives May 4, 1977.
[3] Appointed to subcommittee March 1, 1978.

INVESTIGATIONS

Panel on Nonappropriated Fund Activities

(Appointed March 22, 1977)

Mr. DAN DANIEL, *Chairman*
Mr. RUNNELS
Mr. DAVIS[1]
Mr. NICHOLS
Mr. ROBERT DANIEL
Mr. BADHAM

FULL COMMITTEE PANEL

PANEL TO REVIEW THE STATUS OF NAVY TRAINING ACTIVITIES ON THE ISLAND OF VIEQUES

(Appointed October 5, 1978)

Mr. DELLUMS, *Chairman*
Mr. DAVIS
Mr. DICKINSON

COMMITTEE STAFF

By committee resolution or authority of the chairman, the following persons were appointed to the staff of the committee:

PROFESSIONAL STAFF

JOHN J. FORD, *Staff Director*
WILLIAM H. HOGAN, Jr., *General Counsel*
RALPH MARSHALL, *Professional Staff Member*
GEORGE NORRIS, *Counsel*
JAMES F. SHUMATE, Jr., *Counsel*
JOHN F. LALLY, *Counsel*
ANTHONY R. BATTISTA, *Professional Staff Member*
G. KIM WINCUP, *Counsel*
WILLIAM D. PRICE, *Professional Staff Member*
PAUL L. TSOMPANAS, *Professional Staff Member*
ADAM J. KLEIN, *Counsel*
LOU KRISER, *Professional Staff Member*
THOMAS S. HAHN, *Counsel*
JUSTUS P. WHITE, Jr., *Professional Staff Member*
PETER C. SCRIVENER, *Professional Staff Member*
MARY ANN GILLEECE, *Counsel*
EMMA M. BROWN, *Financial Assistant*
NANCY JONES, *Executive Secretary*

CLERICAL STAFF

L. LOUISE ELLIS, *Secretary* (Retired December 31, 1977)
ANN R. WILLETT, *Secretary*
ROSE C. BECK, *Secretary* (Resigned July 17, 1977)
JOYCE C. BOVA, *Secretary*
RITA D. ARGENTA, *Secretary*
ILENE B. KATZ, *Calendar Clerk* (Resigned September 30, 1977)
MARCIA A. LAWRENCE, *Secretary*
ALICE M. SLEDGE, *Documents Clerk*
GEORGIA C. OSTERMAN, *Secretary*
MAURITA L. MCAFEE, *Secretary*
ALMA B. MOORE, *Secretary*
PATRICE L. MOORE, *Calendar Clerk*
E. AMBER POINDEXTER, *Secretary*
VILLIAM B. SHORT, Jr., *Clerical Staff Assistant* (Retired February 28, 1978)
JAMES A. DEAKINS, *Clerical Staff Assistant*
ISSIAH HARDY, *Clerical Staff Assistant*

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[1] Resigned from Investigations Subcommittee May 2, 1978.

ADDITIONAL PROFESSIONAL STAFF EMPLOYED UNDER COMMITTEE EXPENSE RESOLUTION

MICHAEL A. WEST, *Research Assistant*
GARY A. HOLCOMB, *Professional Staff Member* (Resigned July 21, 1978)
LEROY J. SPENCE, *Counsel*
THOMAS E. COOPER, *Professional Staff Member*
EDWARD J. BAUSER, *Professional Staff Member*
VALERIE L. HAYNES, *Professional Staff Member*
ROBERT M. EMMERICHS, *Professional Staff Member*
PETER C. HUGHES, *Professional Staff Member*
WILLISTON B. COFER, Jr., *Professional Staff Member*

ADDITIONAL CLERICAL STAFF EMPLOYED UNDER COMMITTEE EXPENSE RESOLUTION

MARCIA L. FROMM, *Secretary* (Resigned October 12, 1977)
JULIA A. ILLSLEY, *Secretary* (Resigned May 15, 1977)
BRENDA J. JONES, *Secretary*
MARY L. GALANES, *Secretary* (Resigned August 27, 1978)
MARCIA J. SCOTT, *Receptionist*
RHONDA L. WOODS, *Secretary*
MONICA D. GILARDI, *Secretary*
LELA M. VANDECAR, *Secretary* (Resigned October 7, 1977)
LINDA L. GLEAVE, *Secretary* (Resigned September 29, 1978)
TERESA A. LEAKE, *Secretary* (Resigned July 7, 1978)
KATHLEEN A. LIPOVAC, *Secretary*
KAREN G. WEST, *Secretary* (Resigned July 7, 1978)
JUDITH C. BOND, *Secretary*
JENNIFER L. BENEDICT, *Secretary*
PEGGY L. FONG, *Secretary*
WAYMAN L. CRUMP, *Messenger* (Resigned September 26, 1978)

COMMITTEE MEETINGS

A total of 593 meetings and briefings were held by the Committee on Armed Services, its subcommittees and panels during the 95th Congress. A breakdown of the meetings and briefings follows:

Full committee	144
Subcommittees and panels[1]:	
Intelligence and Military Application of Nuclear Energy	34
Panel on the Strategic Arms Limitation Talks (SALT II) and the Comprehensive Test Ban Treaty (CTBT)	5
Panel on the Mutual and Balanced Force Reduction (MBFR) Negotiations	2
Panel on the Indian Ocean Forces Limitation and Conventional Arms Transfer Limitation	2
Investigations	83
Panel on Nonappropriated Fund Activities	5
Military Compensation	25
Military Installations and Facilities	45
Military Personnel	66
Research and Development	87
Seapower and Strategic and Critical Materials	55
Special Subcommittee on NATO Standardization, Interoperability and Readiness	41

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[1] See committee rule 4(c).

LEGISLATIVE ACTIONS

Public Laws

PUBLIC LAW 95-57 (H.R. 583)

To amend chapter 5 of title 37, United States Code, to extend the special pay provisions for reenlistment and enlistment bonuses, and for other purposes

Public Law 95-57 authorized a 15-month extension (to September 30, 1978) of the law authorizing the armed services to pay enlistment and reenlistment bonuses to selected enlisted personnel who possess a critical skill or to persons who enlist for service in a critical skill, including the combat arms. In addition, Public Law 95-57 authorized the services to recoup a pro rata share of a bonus if an individual failed to maintain the qualifications for which the bonus was being paid.

The law provides for an enlistment bonus of up to $3,000 to persons who enlist for 4 or more years in any skill designated as critical. The selective reenlistment bonus may be provided in amounts up to $15,000 to members who have completed at least 20 months, but not more than 10 years, of service and who reenlist for at least 3 years.

This authority was subsequently extended through September 30, 1980, by Public Law 95-485.

The cost of Public Law 95-57 is estimated to be $67 million in fiscal ear 1978; $80 million in fiscal year 1979; declining to $11 million in iscal year 1982. (H. Rept. 95-9; S. Rept. 95-106) Date of enactment: une 29, 1977

PUBLIC LAW 95-79 (H.R. 5970)

o authorize appropriations during the fiscal year 1978, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, to authorize the military training student loads, and to authorize appropriations for civil defense, and for other purposes

Public Law 95-79 authorized appropriations totaling $36,097,281,-00 for fiscal year 1978. This authorization for Defense appropriations as enacted on July 30, 1977. The Defense budget request originally ubmitted on January 17, 1977, included a request for authorization otaling $38,454,280,000. The President submitted a revised budget n February 22, 1977, of $35,853,180,000. Thus, the revised Defense rogram submitted by the President called for reductions of $2,601,-00,000 in the Defense budget subject to authorization. H.R. 5970 as assed by the House totaled $35,923,976,000.

The following table summarizes the amounts requested for the various categories of the bill, the amounts approved by the House and enate, and the amounts contained in the final version of Public Law -79:

DEPARTMENT OF DEFENSE FISCAL YEAR 1978 AUTHORIZATION BILL—SUMMARY BY MAJOR WEAPON CATEGORY

[In thousands of dollars]

Program	Budget request, Jan. 17, 1977	Revised Budget request, Feb. 22, 1977	House	Senate	Public Law 95-79
Procurement:					
Aircraft:					
Army	665, 300	665, 300	682, 500	550, 500	682, 500
Navy and Marine Corps	3, 700, 000	3, 599, 600	3, 595, 800	3, 422, 800	3, 499, 800
Air Force	8, 651, 900	7, 542, 400	8, 214, 800	7, 502, 500	7, 918, 500
Subtotal	13, 017, 200	11, 807, 300	12, 493, 100	11, 475, 800	12, 100, 800
Missiles:					
Army	656, 700	451, 600	564, 600	562, 700	562, 700
Navy	1, 888, 400	1, 888, 400	1, 888, 400	1, 865, 500	1, 865, 500
Marine Corps	110, 600	110, 600	110, 600	110, 600	110, 600
Air Force	1, 909, 100	1, 874, 700	1, 874, 700	1, 826, 700	1, 826, 700
Subtotal	4, 564, 800	4, 325, 300	4, 438, 300	4, 365, 500	4, 365, 500
Navy vessels: Navy	6, 493, 200	5, 751, 200	5, 705, 600	6, 674, 200	6, 191, 200
Tracked combat vehicles:					
Army	1, 668, 400	1, 538, 200	1, 544, 300	1, 273, 900	1, 441, 300
Marine Corps	74, 800	74, 800	74, 800	74, 800	74, 800
Subtotal	1, 743, 200	1, 613, 000	1, 619, 100	1, 348, 700	1, 516, 100
Torpedoes: Navy	332, 400	332, 400	332, 400	326, 700	326, 700
Other weapons:					
Army	130, 500	113, 500	114, 100	112, 000	96, 000
Navy	98, 600	98, 600	131, 400	78, 800	114, 600
Marine Corps	2, 400	2, 400	2, 400	2, 400	2, 400
Air Force					
Subtotal	231, 500	214, 500	247, 900	193, 200	213, 000
Total procurement	26, 382, 300	24, 043, 700	24, 836, 400	24, 384, 100	24, 713, 300
Research, development, test, and evaluation:					
Army	2, 615, 700	2, 522, 100	2, 375, 232	2, 541, 992	2, 441, 702
Navy	4, 211, 580	4, 201, 580	3, 753, 913	4, 074, 665	3, 844, 518
Air Force	4, 356, 800	4, 198, 800	3, 687, 270	4, 061, 900	3, 824, 170
Defense agencies	797, 900	772, 000	734, 310	771, 900	752, 210
Test and evaluation		25, 000	25, 000	25, 000	25, 000
Director, defense, research, and engineering			377, 051		401, 051
Total R.D.T. & E.	11, 981, 980	11, 719, 480	10, 952, 776	11, 475, 457	11, 288, 731
Subtotal, procurement and R.D.T. & E.	38, 364, 280	35, 763, 180	35, 789, 176	35, 859, 557	36, 002, 031
Civil defense	90, 000	90, 000	134, 800	95, 250	95, 250
Total authorization	38, 454, 280	35, 863, 180	35, 923, 976	35, 954, 807	36, 097, 281

Title I of Public Law 95–79 specified that $3 million of the Air Force aircraft procurement authorization might be obligated and expended only for converting an existing A–7D aircraft to a 2-seat trainer version of such aircraft. The total procurement authorization under title I for fiscal year 1978 was $24,713,300,000.

Title II authorized a total of $11,288,731,000 for the Defense Department's research, development, test and evaluation (R.D.T. & E.) activities in fiscal year 1978. This represented a reduction of $430,749,000 from the Department's $11,719,480,000 request. The overall reduction reflected numerous congressional-directed program funding adjustments, including the deletion of all funding for the following programs.

Army

Terminal homing systems.
Special purpose detectors.
Deep basing technology.
Heliborne missile guidance technology.
Divisional air defense-command control.
XM-1 tank backup engine.
Tactical surveillance system.
Vulcan air defense gun system.
Target missiles.

Navy

Advanced software/computing technology.
Tacair infrared countermeasures.
Land-based support aircraft (advanced).
All-weather attack.
Integral rocket ramjet (advanced).
Air-to-ground weapons.
A/G stand-off weapons.
Air control.
Aircraft infrared signature suppression.
NATO PHM.
Submarine ASW improvement.
Helicopter infrared countermeasures.

ir Force

Application for information processing technology.
Advanced interceptor technology.
Within visual range air-to-air missile.
Air-to-air arm (Brazo).
Compass Cope.
Satellite control stations survivability.
Aircom.

efense Agencies

Systems cybernetics technology.

In addition to authorizing the fiscal year 1978 R.D.T. & E. funding
evels for the various services and Defense agencies, title II, in sections
02 through 206, specified various restrictions, limitations, and re-
uirements for the Defense Department's cruise missile, guided pro-
ectile, Shipboard Intermediate Range Combat System (SIRCS),
XM-1 tank, chemical and radiological protective systems, and Mech-
nized Infantry Combat Vehicle (MICV) programs.

Title III of the law provided that for fiscal year 1978 each com-
onent of the Armed Forces was authorized an end strength for active
uty personnel as follows:

Army, 787,000.
Navy, 535,800.
Marine Corps, 191,500.
Air Force, 570,800.

Section 302 of title III established a uniform pay for cadets and
idshipmen at the military service academies and in the 2- and 4-year
OTC programs when the ROTC officer candidates are attending
ummer field training and practice cruises.

Section 303 directed the Secretary of Defense to submit to the Congress a definition of the term "combat" within 6 months of enactment of that section, together with recommendations on expanding job classifications to which female members of the armed services may be assigned and any suggestions for changes to the law necessary to implement those recommendations.

Title IV of the law provided that for fiscal year 1978 the Selected Reserve of each Reserve component of the Armed Forces was to be programed to attain an average strength of not less than the following:

The Army National Guard of the United States, 382,000.
The Army Reserve, 211,300.
The Naval Reserve, 87,000.
The Marine Corps Reserve, 32,400.
The Air National Guard of the United States, 92,500.
The Air Force Reserve, 52,400.
The Coast Guard Reserve, 11,700.

Section 402 of title IV provided authority for the Secretary of the service concerned to establish an educational assistance program to encourage enlistments into the Selected Reserve of the Ready Reserve.

Section 403 of the law granted authority to the Secretary of the service concerned to pay a reenlistment bonus in order to retain enlisted members of the Selected Reserve.

Title V of the law provided in fiscal year 1978 an overall end-strength authorization for civilian personnel—direct and indirect hire—in the Department of Defense of 1,018,600 which was to be apportioned among the services by the Secretary of Defense.

The language of this title also increased the Secretary of Defense's authority to exceed the authorized civilian end-strength figure from ½ of 1 percent to 1¼ percent when he considers it in the Nation's interest to do so.

Title IV of the law authorized the military training student loads for each component of the Armed Forces, active and Reserve, for fiscal year 1978.

Section 602 of title VI amended section 2102 of title 10, United States Code, by adding a new subsection requiring that at least one unit of the Senior Reserve Officers' Training Corps program be established and maintained in each State provided certain prerequisites are met.

Title VII of the law authorized $95,250,000 for fiscal year 1978 to carry out the provisions of the Federal Civil Defense Act of 1950 for programs of the Defense Civil Preparedness Agency. This is $5,250,000 more than requested by the Department of Defense.

Under the general provisions in title VIII of the law, section 801 required the President to include in the budget request for fiscal year 1979 sufficient funds to cover the total operation-and-maintenance costs for the Department of Defense, including inflation.

Section 802 limited to $5 million any claim against the United States to be paid from funds authorized under this act, unless the Secretary of Defense certified to the Congress that the claim had been examined and evaluated and found to be valid and meritorious.

Section 803 amended section 651(a) of title 10, United States Code, to provide that females who become members of the Armed Forces will incur a 6-year statutory obligation in the same manner as males.

Section 804 amended section 105(a) of title 32, United States Code, to eliminate the requirement for annual inspections of National Guard units in order to permit the Secretary of the department concerned flexibility to prescribe when and how often inspections of National Guard units are to be made, as is the case in the other Reserve components.

Section 805 amended section 6485(b) of title 10, United States Code, to eliminate the legal requirement for quadrennial physical examinations for members of the Fleet Reserve and the Fleet Marine Corps Reserve.

Section 806 contained a provision that extended until September 30, 1978, the authority to provide financial assistance of $100 per month to officer candidates under the Marine Corps platoon leaders class program by amending 85 Stat. 491; title 37, United States Code.

Section 807 extended the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) until October 1, 1979, for the President to transfer to Israel by sale, credit sale, or guarantee, such aircraft, and other appropriately related support equipment necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. A new sentence was added to section 501 of Public Law 91-441 (84 Stat. 909) which provides for replenishment of Armed Forces stocks when any aircraft or other equipment is transferred under authority of this section.

Section 808 instituted a requirement that the Secretary of Defense provide the Committees on Armed Services of the House and Senate an annual report of all experiments and studies conducted in the preeding 12-month period which involved the use of human subjects for he testing of chemical or biological agents and provided for an addiional reporting requirement of any planned experiments or studies elated to the use of chemical or biological agents involving human ubjects. The section further provided that the Secretary of Defense eport to local officials, at least 30 days in advance, when such experinents will include the local civilian populations.

Section 809 established congressional direction and requested studies n the subject of Defense contracting for services and technology-base esearch and development. The Secretary of Defense and the Director f the Office of Management and Budget were jointly directed by this ection to conduct a complete review of the criteria used in determining hen services at Defense installations should be performed by Governent personnel or private contractors. This review was to be submitted the Committees on Armed Services before January 1, 1978. In order maintain the status quo until the study was available to the Conress, the section directed that there should be no further conversion performance of services by private contractors until March 15, 1978, until 90 days after the receipt of the study from the executive anch. Conversions were permitted, however, if the contracts could ave been awarded under the rules and procedures which were in rce before June 30, 1976.

The Secretary of Defense was further directed by this section to ovide a report to the Committees on Armed Services on the perrmance by private industry of research and development in basic chnology. This study was also to be delivered before January 1, 1978. gain, to maintain the status quo, this section provided that the performance of private-contractor work in this area was to be maintained at the same percentage to in-house work as existed during the period July 1, 1975, to September 30, 1976. This provision expired on March 15, 1978.

Section 810 prohibited the expenditure of appropriated funds for advertising the special discharge review program for certain individuals who served during the Vietnam era.

Section 811 reduced the authorized levels of generals and admirals to 1,073 over a 3-year period beginning with fiscal year 1978 and applied a reduction to Defense civilian employees in General Schedule grades GS–13 through GS–18, or equivalent, by the same proportionate amount over the same period.

Section 812 of title VIII requested the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives by February 15, 1978, setting forth quantifiable and measurable materiel readiness requirements for the Armed Forces, including the Reserve components, and any changes projected in future years. This section also provided that subsequent budget submissions must include data relating the proposed appropriations to these established requirements.

Section 813 asserted the readiness of Congress to consider, in accordance with the process contained in the Congressional Budget and Impoundment Control Act of 1974 and the Budget and Accounting Act of 1921, such modifications in U.S. strategic arms programs as the President may recommend to facilitate either negotiation or agreement in the Strategic Arms Limitations Talks.

Section 814 amended section 813 of the Department of Defense Appropriation Authorization Act of 1976, which required the Secretary of Defense to report to the Congress on the impact of any foreign sale or transfer valued at $25 million or more on U.S. forces readiness. This section required that additional information be provided in the report to Congress to clarify the impact on the Armed Forces readiness capability.

Section 815 of title VIII added a new section 2390 to chapter 141 of title 10, United States Code. Section 2390 directs the Secretary of Defense to request (on a voluntary basis) from retiring military and civil service personnel of the Department of Defense (GS–13 or above), who are employed in military procurement, suggestions for improvement of the procurement policies of the Defense Department. (H. Rept. 95–194; S. Rept. 95–129; Conference Report 95–446.) Date of enactment: July 30, 1977.

PUBLIC LAW 95–82 (S. 1474)

To authorize certain construction at military installations, and for other purposes

Public Law 95–82 provided military construction authorization and related authority in support of the military departments during fiscal year 1978. This legislation was originally introduced in the House as H.R. 5210. Hearings were conducted by the Military Installations and Facilities Subcommittee, which met on 9 separate occasions and reviewed in depth the line items contained in the Department of Defense requests, which amounted to approximately 466 individual projects at approximately 280 military installations within the United States and overseas. In approving the bill, the subcommittee eliminated projects that it felt could be deferred without impairing national security. In certain instances, the subcommittee added projects where it was determined after testimony that the priority was high enough to warrant such action.

The full committee, without objection, approved H.R. 6990, a clean bill superseding H.R. 5210, as recommended by the Military Installations and Facilities Subcommittee.

On May 13, 1977, the Senate passed S. 1474, which provided military construction authorization and military authority in support of the military departments. Reserve components, and the Department of Defense during fiscal year 1978. On June 6, 1977, the House considered S. 1474, amended it by striking all language after the enacting clause and inserting the substance of H.R. 6990. As passed by the House. S. 1474 provided new construction authorization for the military departments and the Department of Defense for fiscal year 1978 in the total amount of $3,508,560,000.

After differences were reconciled in conference, the bill was passed and signed into law. It provided new authorization totaling $3,724,718,000.

Included in title VII, the military family housing program, were sections 506 and 507, which were designed to curb excess consumption of energy through the installation of energy-consumption metering devices and the establishment of reasonable energy-consumption ceilings for family housing. A feasibility test is being conducted to determine the desirability of instituting an excess consumption charge.

Included in the general provisions were section 608, regarding minor construction projects, and section 612, concerning base closures and realinements. These sections, made permanent law, were intended to improve processing and evaluation of minor construction projects costing $500,000 or less and to clarify Department of Defense procedures for military base realinements.

A brief summary of the authorization provided in Public Law 95–82 follows:

Total authorization for appropriation granted for fiscal year 1978

Title I (Army):	
Inside the United States	$780,598,000
Outside the United States	280,701,000
Subtotal	1,061,299,000
Title II (Navy):	
Inside the United States	427,943,000
Outside the United States	25,711,000
Subtotal	453,654,000
Title III (Air Force):	
Inside the United States	273,307,000
Outside the United States	147,942,000
Subtotal	421,249,000
Title IV (defense agencies)	55,909,000

Total authorization for appropriation granted for fiscal year 1978—Continued

Title V (military family housing)	$1,579,640,000
Title VII (Reserve Forces facilities):	
Army National Guard	44,377,000
Army Reserve	41,390,000
Naval and Marine Corps Reserve	19,800,000
Air National Guard	37,300,000
Air Force Reserve	10,100,000
Subtotal	152,967,000
Total granted by titles I, II, III, IV, and VII	3,724,718,000

(H. Rept. 95–290; S. Rept. 95–125; Conf. Rept. 95–494) Date of enactment: August 1, 1977.

PUBLIC LAW 95–114 (1731)

Extending the special pay provisions for physicians and dentists in the uniformed services and reinstating the special pay provisions for optometrists and veterinarians in the uniformed services.

Public Law 95–114 extended until September 30, 1978, authority to pay special pay and bonuses to physicians and dentists; and it authorized for those optometrists and veterinarians who came on active duty on or after July 1, 1975, the same $100 monthly special pay that is payable to optometrists and veterinarians who entered active duty before July 1, 1975.

Special pay for physicians and dentists.—Physicians and dentists are authorized special pay in monthly amounts in addition to normal pay and allowances. Physicians with less than 2 years of service are eligible for $100 per month; physicians with over 2 years of service are eligible for $350 per month. Dentists are eligible for a monthly payment of $100 per month if they have less than 2 years of service; $150 per month if they have between 2 and 6 years; $250 per month if they have between 6 and 10 years; and $350 per month if they have over 10 years of service.

Variable incentive pay.—Physicians are also eligible for variable incentive pay. This bonus is a lump-sum payment of up to $13,500 for each year of obligated extension and is available to medical officers in pay grades O–3 to O–6.

Special continuation pay.—Special continuation pay for physicians of flag rank and for all dentists is available as a lump-sum payment of up to 4 months' basic pay for each year of additional service agreed to.

This authority was subsequently extended through September 30, 1980, by Public Law 95–485.

The cost of Public Law 95–114 is estimated to be $103 million in fiscal year 1978. (H. Rept. 95–479; S. Rept. 95–400) Date of Enactment: September 30, 1977.

PUBLIC LAW 95–140 (1372)

**amend title 10, United States Code, to abolish one of the two positions of
Deputy Secretary of Defense and establish the position of Under Secretary of
Defense for Policy and to change the title of the Director of Defense Research
nd Engineering to the Under Secretary of Defense for Research and En-
ineering**

Public Law 95–140 provided for a reorganization of the executive
ucture of the Department of Defense. It abolished the second
puty Secretary of Defense position and established the new position
Under Secretary of Defense. It created a new office of Under Secre-
y of Defense for Policy and changed the title of the Director of De-
se Research and Engineering to Under Secretary of Defense for
search and Engineering.

lt is estimated that Public Law 95–140 will result in a savings of
out $5,000 anually, the difference in pay between the executive level
Deputy Secretary of Defense and the level III position of Under
cretary of Defense for Policy. (H. Rept. 95–519; S. Rept. 95–234)
te of enactment: October 21, 1977.

PUBLIC LAW 95–183 (S. 1339)

**uthorize appropriations for the Energy Research and Development Adminis-
ation for national security programs for fiscal years 1977 and 1978, and for
her purposes**

ection 101 of Public Law 95–183 authorized funds previously ap-
priated by Public Law 94–355 for the national security programs
he Energy Research and Development Administration for operat-
expenses and for plant and capital equipment, including construc-
, acquisition, or modification of facilities—including land acqui-
on—and for acquisition and fabrication of capital equipment not
ted to construction.

ection 202 authorized funds to be appropriated to the Energy Re-
ch and Development Administration for fiscal year 1978 for
ating expenses incurred in carrying out national security
grams.

ection 202 authorized funds to be apropriated to the Energy Re-
ch and Development Administration for fiscal year 1978 for plant
capital equipment, including planning, construction, acquisition,
modification of facilities—including land acquisition—and for
isition and fabrication of capital equipment not related to con-
ction, necessary for national security programs.

ection 203 authorized funds to be appropriated to the Energy Re-
ch and Development Administration for fiscal year 1978, for proj-
previously authorized.

ssociated dollar values for each section, where applicable, are pre-
ed below in tabular form.

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION, FISCAL YEAR 1978 NATIONAL SECURITY PROGRA AUTHORIZATION

[In millions of dollars]

Bill section	Request	House	Senate	Public La 95-1
Sec. 201—Operating expenses:				
Weapons	1,131.0	1,205.0	1,161.4	[illegible]
Special materials	416.4	416.4	416.4	416.4
Laser fusion	101.0	116.2	106.1	116.2
Naval reactors	211.7	211.7	211.7	211.7
Program management	40.8	40.8	0	[illegible]
Total	1,950.9	1,960.1	1,895.6	[illegible]
Sec. 202—Plant and capital equipment:				
Weapons	268.1	250.6	232.62	[illegible]
Special materials	178.3	162.3	178.3	[illegible]
Laser fusion	16.2	22.2	21.2	21.2
Naval reactors	17.95	17.95	17.95	17.9
Program management	.3	.3	0	.3
Construction planning and design	5.0	5.0	0	5.0
Total	485.85	458.35	450.07	[illegible]
Sec. 203—Prior year plant:				
Weapons	71.7	71.7	84.4	84.7
Special materials	117.2	117.2	220.4	117.2
Laser fusion	36.3	36.3	0	36.3
Total	225.2	225.2	181.9	218.2
Grand total	2,661.95	2,673.15	2,650.47	[illegible]

The general provisions of the law contained numerous restrictions limitations, requirements, and authorizations relating to the expenditure of funds.

Reprograming.—Section 301 required notices to the Appropriation and Armed Services Committees of the Congress and up to a 30-day waiting period for specific approval before funding could exceed authorization for any authorized project or before any project could be started which had not previously been authorized.

Project cost variations.—Section 302 prohibited the start of any project if current total estimated cost exceeded authorization by mor than 25 percent. Projects underway were to be halted if costs escalate more than 25 percent above authorization. Additional funds are required to be authorized before restart could occur.

Limits on general plant projects.—Section 303 allowed the start o new projects if the total cost did not exceed $750,000 and any construction in a given project did not exceed $300,000. The estimated total o such projects could not exceed the total authorized by more than 2 percent.

Authority to merge funds.—Section 304 permitted the merging o funds for operating expenses and funds for plant and capital equipment with comparable funds provided by other acts if not otherwis prohibited.

Funds to remain available until expended.—Section 305 stipulate that all funds appropriated pursuant to this act remain available unti expended, if there are no other prohibitions.

Availability of funds.—Section 306 permitted the use of appropriated funds for general plant projects (sec. 202(4)) and construction planning and design (sec. 202(5)) in accordance with other applicable provisions.

Construction design services.—Section 307 provided authorization for construction design services for national security programs and limited expenditures to funding under section 202(5).

Use of nonappropriated funds.—Section 308 permitted use for operating expenses of those funds which are generally received for doing work for others. Specific expections were made; that is, funds from the sale of certain lands and the sale of strategic materials must be turned over to the Treasury.

Transfer of funds to other agencies.—Section 309 permitted appropriated operating expense funds to be transferred to another agency to accomplish specific tasks for the national security program. The receiving agency can merge these funds with their appropriated funds.

Name changes.—Section 310 provided that all references to the Energy Research and Development Administration (ERDA) and the Administrator of ERDA be deemed to be references to the Department of Energy and the Secretary of Energy, respectively. (H. Rept. 95-272. pts. 1 and 2; S. Rept. 95–212; Conf. Rept. 95–775.) Date of enactment: November 15, 1977.

PUBLIC LAW 95–184 (S. 1863)

To authorize appropriations during fiscal year 1978, in addition to amounts previously authorized, for procurement of aircraft and missiles for the Navy and the Air Force and for research, development, test and evaluation for the Air Force and the Defense agencies, and for other purposes

Public Law 95–184 authorized supplemental appropriations for the Department of Defense totaling $476,400,000 for fiscal year 1978.

The supplemental authorization .was requested by the executive branch on July 13, 1977, to implement certain strategic-system initiatives in conjunction with the President's June 30, 1977, recommendation not to produce the B–1 bomber.

The bill, as introduced, would have authorized $445.6 million; $97 million for procurement and $348.6 million for research and development. In September 1977 the Department of Defense revised its request to $404.97 million; $97 million for procurement and $307.97 million for research and development. This reduction of $40.63 million was the result of modified requests for 6 research and development programs. As passed by the House of Representatives on October 12, 1977, the supplemental Defense authorization totaled $561 million.

The following table summarizes the authorizations requested, the authorizations approved by the House and Senate, and the authorizations enacted in Public Law 95–184:

DEPARTMENT OF DEFENSE SUPPLEMENTAL APPROPRIATION AUTHORIZATION ACT, 1978

[In millions of dollars]

Program	Budget request	House	Senate	Conferen
PROCUREMENT				
B–52 modifications	33.0	33.0	33.0	[illegible]
Air launched cruise missile (ALCM)	64.0	64.0	64.0	[illegible]
F–14	0	151.6	0	[illegible]
Subtotal, procurement	97.0	248.6	97.0	[illegible]
RESEARCH, DEVELOPMENT, TEST, AND EVALUATION				
Navy: High performance underwater vehicle	0	5.9	0	[illegible]
Air Force:				
Cruise missile carrier	50.0	5.0	15.0	[illegible]
FB–111H	0	0	20.0	[illegible]
ICBM initiatives (MX and ABRES)	0	60.0	0	[illegible]
Strategic protective systems	7.5	2.5	7.5	[illegible]
Strategic bomber enhancements	19.9	19.9	17.4	[illegible]
Ballistic missile early warning system (BMEWS)	1.0	1.0	0	[illegible]
Missile surveillance technology	10.47	0	10.47	[illegible]
Perimeter acquisition radar (PAR)	10.0	10.0	0	[illegible]
Air launched cruise missiles	156.9	156.9	156.9	[illegible]
B–52 squadrons	34.2	34.2	34.2	[illegible]
Electro-optical warfare	2.0	2.0	2.0	[illegible]
Warning information correlation	1.0	0	0	[illegible]
Defense agencies:				
Defense Advanced Research Projects Agency (DARPA)	15.0	15.0	9.0	[illegible]
Advanced manned penetrating bomber study	0	0	5.0	[illegible]
Subtotal, R.D.T. & E.	307.97	312.4	277.47	[illegible]
Total authorization	404.97	561.0	374.47	[illegible]

Title I authorized supplemental appropriations during fiscal year 1978 for procurement as follows: $33 million for additional upgrading modifications for B–52 bombers; $64 million to support early procurement tasks for air-launched cruise missiles; and $73.9 million for four F–14 Navy aircraft.

Title II authorized a supplemental research, development, test and evaluation program in the amount of $305.5 million. This is $2.47 million less than the final request by the Department of Defense for supplemental authorization for fiscal year 1978.

Section 201(1) of this title directed that: "For the Air Force … $15,000,000 is authorized for the study of wide-bodied aircraft as strategic cruise missile carriers." Section 202 directed that the initial operational capability date for the Army 155mm and the Navy 5-inch guided projectiles be "not later than July 1, 1981." Section 203 asserted congressional readiness to consider, in accordance with existing statutes, modifications in the cruise-missile program which the President may recommend to facilitate either negotiations or agreements in arms limitation talks.

Directed actions.—The Joint Explanatory Statement of the Committee of Conference, in reference to title I of this act, directed the Navy "to keep the F–18 program on the present contract schedule to provide for the orderly and timely replacement of F–4's and A–7's in the Navy and Marine Corps as planned." (H. Rept. 95–614; S. Rept. 95–455; Conf. Rept. 95–777.) Date of enactment: November 15, 1977.

PUBLIC LAW 95-356 (H.R. 12602)

To authorize certain construction at military installations, and for other purposes

Public Law 95–356 provides military construction authorization and related authority in support of the military departments during fiscal year 1979. This legislation was originally introduced in the House as H.R. 11167. Hearings were conducted by the Subcommittee on Military Installations and Facilities, which met on 7 separate occasions and reviewed in depth the 750 individual projects at approximately 390 military installations within the United States and overseas that were contained in the Department of Defense request.

The full committee, without objection, approved H.R. 12602, a clean bill superseding H.R. 11167, as recommended by the Subcommittee on Military Installations and Facilities.

On May 22, 1978, the House passed H.R. 12602, which provided new construction authorization for the military departments and the Department of Defense for fiscal year 1979 in the amount of $4,169,444,000.

On July 12 ,1978, the Senate passed H.R. 12602, after amending it by striking all language after the enacting clause and inserting the substance of S. 3079, which provided military construction authorization and related authority in support of the military departments, Reserve components, and the Department of Defense for fiscal year 1979 in the amount of $3,998,432,000.

The bill was referred to conference. The conference report, as passed by both Houses and signed into law on September 8, 1978, contained new authorization totaling $4,128,312,000.

Included in the general provisions is section 804 requiring solar energy systems to be utilized in all new military family housing and in 25 percent of all new facilities placed under design if engineering analyses demonstrate that their cost differential when compared to conventional systems can be amortized over the expected life of the facility.

A brief summary of the authorization provided in Public Law 95-356 follows:

Total authorization granted, fiscal year 1979

Title I (Army):	
Inside the United States	$487, 853, 000
Outside the United States	228, 026, 000
Minor construction	35, 365, 000
Subtotal	751, 244, 000
Title II (Navy):	
Inside the United States	690, 885, 000
Outside the United States	59, 763, 000
Minor construction	39, 662, 000
Subtotal	790, 310, 000
Title III (Air Force):	
Inside the United States	423, 059, 000
Outside the United States	68, 963, 000
Minor construction	30, 721, 000
Subtotal	522, 743, 000

Total authorization granted, fiscal year 1979—Continued

Title IV (Defense Agencies)	$204, 566, 000
Minor construction	13, 044, 000
Subtotal	217, 610, 000
Title V (Military Family Housing)	1, 701, 605, 000
Title VII (Reserve Forces facilities):	
Army National Guard	47, 300, 000
Army Reserve	27, 400, 000
Naval and Marine Corps Reserve	19, 350, 000
Air National Guard	39, 350, 000
Air Force Reserve	11, 400, 000
Subtotal	144, 800, 000
Total granted by titles I, II, III, IV, and VII	4, 128, 312, 000

(H. Rept. 95–1147; S. Rept. 95–847; Conf. Rept. 95–1448) Date of enactment: September 8, 1978.

PUBLIC LAW 95–357 (H.R. 3532)

To amend chapter 639 of title 10, United States Code, to enable the Secretary of the Navy to change the name of a publication of the Naval Observatory providing data for navigators and astronomers

Public Law 95–357 authorizes the Secretary of the Navy to change the name of "The American Ephemeris and Nautical Almanac," a publication of the U.S. Naval Observatory containing data for navigators and astronomers.

Section 7396(a) of title 10, enacted in 1912, which authorized the publication, also specified its name. Since several nations currently contribute data included in the publication, the Department of the Navy believed that the name provided by the statute is no longer appropriate. The Navy also believed that a change in the title would eliminate the confusion between the publication and "The Nautical Almanac," another publication of the Naval Observatory.

There is no cost involved in this legislation. (H. Rept. 95–1379; S. Rept. 95–1134) Date of enactment: September 8, 1978.

PUBLIC LAW 95–358 (H.R. 7161)

To amend title 10, United States Code, to allow nationals, as well as citizens, of the United States to participate in the Junior Reserve Officers' Training Corps program

Public Law 95–358 has the effect of permitting a Junior Reserve Officers' Training Corps program to be established in American Samoa.

One of the requirements of the Reserve Officers Training Corps Vitalization Act of 1964 was that to be a member of a junior reserve officers' training unit a student must be a citizen of the United States (10 U.S.C. 2031(a)). American Samoa is a possession of this country whose residents are not citizens, but are nationals of the United States.

The residents of American Samoa and nearby Swains Island are the only people who are classed as nationals—persons who, though not citizens, owe permanent allegiance to the United States.

The Congressional Budget Office estimates Public Law 95–358 will have no budgetary impact.

(House Report No. 95–1390; Senate Report No. 95–1135.) Date of
actment: September 8, 1978.

PUBLIC LAW 95–359 (H.R. 8471)

authorize the Governor of the State of Wyoming to exhibit the nameplate,
ip's bell, and silver service of the United States Ship Wyoming without
striction as to the place of such exhibition

ublic Law 95–359 amends existing law (Public Law 79–397) to
te the reference to the University of Wyoming as the plate for
ibition of the nameplate, ship's bell, and silver service of the
ted States Ship Wyoming. Since the State of Wyoming now
res to display these items at the Wyoming State Museum, this
makes the place of display discretionary with the Governor of
ming without specifying any place at which the items can be
bited.

his law will result in no cost to the Government. (H. Rept. 95–
; S. Rept. 95–1136) Date of enactment: September 8, 1978.

PUBLIC LAW 95–370 (H.R. 12240)

thorize appropriations for fiscal year 1979 for intelligence and intelligence-
ted activities of the U.S. Government, the Intelligence Community Staff,
Central Intelligence Agency Retirement and Disability System, and for
r purposes

blic Law 95–370 authorizes appropriations for fiscal year 1979
y with the Permanent Select Committee on Intelligence for
n classified Department of Defense intelligence-related activ-
vithin the jurisdiction shared by this committee and the Perma-
Select Committee on Intelligence.

ce the specific figures in the intelligence-related activities ac-
remain classified, they are included only in the classified an-
the reports on H.R. 12240 in the custody of the select com-
. (H. Rept. 95–1075, Parts 1 and 2; S. Rept. 95–744 and 95–
Conf. Report 95–1420.) Date of enactment: September 17, 1978.

PUBLIC LAW 95–377 (S. 3454)

nd the Act of August 29, 1974 (88 Stat. 795; 10 U.S.C. 8202 note), relating
authorized numbers for the grades of lieutenant colonel and colonel in
ir Force and to authorize the President to suspend certain provisions of
hen he determines that the needs of the Armed Forces so require, and
er purposes

ic Law 95–377 authorizes an extension (to September 30, 1979)
increase in the number of Air Force lieutenant colonels and
authorized under the Officer Grade Limitation Act of 1954. It
thorizes the President to suspend—through September 30,
he application of certain laws which were previously sus-
through September 14, 1978. This public law also extends (to
er 30, 1979) the authority to allow temporary promotions of
junior officers, to allow below-the-zone promotions for limited-
cers in the Navy, and to allow temporary Marine Corps major
to sit on the Major General Selection Boards.

ffect of this public law is to maintain existing personnel prac-
st of the provisions of this public law would have been ad-
in the Defense Officer Personnel Management Act (H.R.
d the House-passed version been adopted by the Senate.

The cost of Public Law 95–377 is estimated to be $4 million in fiscal year 1979. (S. Rept. 95–1144, no House report.) Date of enactment: September 19, 1978.

PUBLIC LAW 95–397 (H.R. 3702)

To amend title 10, United States Code, to make certain changes in the Retired Serviceman's Family Protection Plan and the Survivor Benefit Plan as authorized by chapter 73 of that title, and for other purposes

Public Law 95–397 provides for cost-of-living increases for widows under the Retired Serviceman's Family Protection Plan (RSFPP) and makes improvements in the Survivor Benefit Plan (SBP) for retired military personnel. Specifically, the public law implements the following changes:

Cost-of-living adjustment for widows under the Retired Serviceman's Family Protection Plan.—Annuitants under the Retired Serviceman's Family Protection Plan whose military retiree sponsor died on or before March 20, 1974, are authorized a cost-of-living escalator similar to that authorized for annuitants under the Survivor Benefit Plan

Payments to the spouse who remarries after age 60.—Full benefits under the Survivor Benefit Plan will be paid to a spouse who remarries after age 60 if she had been eligible for Dependency and Indemnity Compensation (DIC) and consequently had received reimbursement of all or part of the deduction from the member's retired pay, contingent on the repayment of the amount of that reimbursement.

Social security offset for working widows.—The social security offset against the Survivor Benefit Plan payment will be eliminated when no social security benefits are payable because the beneficiary is employed in social security covered employment.

Retired Serviceman's Family Protection Plan annuities to certain remarried widows.—The annuity from the Retired Serviceman's Family Protection Plan will be continued in the case of a widow who remarries after age 60.

Minimum-income provision.—Payments to widows under the minimum-income provision are increased and future increases are tied to changes in the Veterans Administration Nonservice-Connected Death Pension.

Survivor benefits for reservists.—Survivor Benefit Plan protection is extended to reservists who have completed 20 years of creditable service but who have not yet reached age 60. Both retired pay (should the member live to age 60) and the survivor annuity are reduced by an actuarial charge for all members electing coverage before age 60. This charge is set so as to cover the cost of the extended coverage. This provision was considered in the House as H.R. 11797 and was incorporated in H.R. 3702 by the Senate Armed Services Committee. The House report on H.R. 11797 is H. Rept. 95–1077.

The cost of Public Law 95–397 is estimated to be $17 million in fiscal year 1979, rising to $30 million in fiscal year 1983. (H. Rept. 95–72; S. Rept. 95–1138) Date of enactment: September 30, 1978.

PUBLIC LAW 95-485 (S. 3486)

To authorize appropriations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve of each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes

Public Law 95–485 authorizes appropriations totaling $35,235,969,000 for fiscal year 1979. This authorization for Defense appropriations was enacted on October 20, 1978, and superseded H.R. 10929 which was passed by the Congress but vetoed by the President on August 17, 1978 (H. Doc. 95–377). The veto was sustained by the House on September 7, 1978, when a motion to override the veto failed by a vote of 191 to 206. Following the veto, new legislation was introduced in the House at H.R. 14042 on September 11, 1978. Testimony was taken from the Secretary of Defense on September 13, 1978, and the bill was ordered reported by the committee the same day. The House subsequently passed S. 3486 amended in lieu of H.R. 14042.

There were two dollar differences between S. 3486 and H.R. 10929:

$1.93 billion in authorization for a nuclear aircraft carrier which was included in H.R. 10929 was omitted from S. 3486;

$209 million was added to the authorization for Naval vessels in S. 3486 to cover the cost of claims settlements on shipbuilding contracts already effected by the Navy under Public Law 85–804.

With these monetary changes, the legislation provides a net authorization of $4,470,500,000 for procurement of Naval vessels—a net reduction of $1,721,000,000 below H.R. 10929, and $421,900,000 below the initial budget request for this category.

All other dollar authorizations in Public Law 95–485 are identical to the vetoed bill, H.R. 10929.

Two language provisions were added to S. 3486 which were not contained in H.R. 10929 as vetoed:

Section 820 disestablishes the Women's Army Corps, and places female service members on equal footing with their male counterparts. The provision eliminates the statutory requirement for a separate, distinctive corps based on sex.

Section 821 is associated with the $209 million authorization to cover claims settlements effected by the Navy under Public Law 85–804. The section provides that the funds authorized in connection with the settlement of those contracts shall be subject to audit and review by the Comptroller General to insure that such funds are used only in connection with such contracts and that they do not result in the prime contractors realizing any total combined profit on such contracts. It also provides that the Comptroller General keep the appropriate committees of Congress currently informed on the expenditure of funds and submit annual reports to the Congress on the results of his audit and review.

Another minor change between Public Law 95–485 and H.R. 10929 as vetoed by the President is contained in section 203. The deadline set for the report required in the section is changed from September 30, 1978, to October 31, 1978, as a result of the delay in final passage caused by the veto of the original bill.

The following table summarizes the amounts requested for the various categories of the bill, the amounts approved by the House and Senate originally, the amounts contained in the final version of H.R. 10929 as vetoed on August 17, 1978, and the amounts approved by the House and Senate in the final bill and contained in Public Law 95-485. (In all cases, the dollar amounts in H.R. 14042, S. 3486 and Public Law 95-485 were identical.)

DEPARTMENT OF DEFENSE FISCAL YEAR 1979 AUTHORIZATION BILL—SUMMARY BY MAJOR WEAPON CATEGORY

[In thousands of dollars]

Program	Budget request, Jan. 23, 1978	House passed, May 24, 1978	Senate passed, July 11, 1978	H.R. 10929 conference report as vetoed, Aug. 17, 1978	Public Law 95-485, Oct. 20, 1978 (H.R. 14042; S. 3486)
Procurement:					
Aircraft:					
Army	1, 017, 800	1, 037, 400	939, 400	972, 400	972, 400
Navy and Marine Corps	4, 078, 800	4, 546, 780	4, 163, 500	4, 381, 100	4, 381, 100
Air Force	6, 897, 700	7, 046, 400	6, 994, 500	7, 028, 200	7, 028, 200
Subtotal	11, 994, 300	12, 630, 580	12, 097, 400	12, 381, 700	12, 381, 700
Missiles:					
Army	773, 200	795, 600	669, 900	738, 100	738, 100
Navy	1, 553, 000	1, 593, 700	1, 573, 600	1, 583, 700	1, 583, 700
Marine Corps	23, 100	23, 100	23, 100	23, 100	23, 100
Air Force	1, 676, 800	1, 632, 100	1, 626, 500	1, 626, 500	1, 626, 500
Subtotal	4, 026, 700	4, 044, 500	3, 893, 100	3, 971, 400	3, 971, 400
Naval vessels	4, 712, 400	7, 026, 100	5, 602, 700	6, 191, 500	4, 470, 500
Tracked combat vehicles:					
Army	1, 532, 500	1, 518, 900	1, 264, 000	1, 419, 400	1, 419, 400
Marine Corps	21, 700	24, 300	21, 700	24, 300	24, 300
Subtotal	1, 554, 200	1, 543, 200	1, 285, 700	1, 443, 700	1, 443, 700
Navy torpedoes	364, 100	426, 800	335, 400	366, 800	366, 800
Other weapons:					
Army	104, 100	93, 100	125. 400	109, 000	109, 000
Navy	129, 800	129, 800	74, 100	102, 000	102, 000
Marine Corps	28, 000	30, 200	28, 000	30, 200	30, 200
Air Force	300	300	300	300	300
Subtotal	262, 200	253, 400	227, 800	241, 500	241, 500
Subtotal, procurement	22, 913, 900	25, 924, 580	23, 442, 100	24, 596, 600	22, 875, 600
Research, development, test, and evaluation:					
Army	2, 721, 400	2, 586, 215	2, 727, 340	2, 661, 701	2, 661, 701
Navy[1]	4, 495, 912	4, 287, 009	4, 585, 894	4, 504, 268	4, 504, 268
Air Force	4, 339, 100	3, 989, 400	4, 343, 500	4, 164, 500	4, 164, 500
Defense agencies	889, 400	947, 216	876, 600	905, 800	905, 800
Test and evaluation, defense	27, 600	27, 600	27, 600	27, 600	27, 600
Subtotal, R.D.T. & E	12, 473, 412	11, 837, 440	12, 560, 934	12, 263, 869	12, 263, 869
Civil defense	96, 500	137, 000	96, 500	96, 500	96, 500
Total authorization	35, 483, 812	37, 899, 020	36, 099, 534	36, 956, 969	35, 235, 969

[1] Includes $5,412,000 for special foreign currency program.

Title I of the Act authorizes appropriations during fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, Navy torpedoes, and other weapons in the amounts specified in the table above. The total amount authorized in Title I for procurement, $22,875,600,000, is $38,300,000 below the President's budget request.

Title II authorizes a total of $12,263,869,000 for the Defense Department's research, development, test and evaluation (R.D.T. & E.)

ctivities in fiscal year 1979. This represents a reduction of $209.-
13,000 from the department's $12,473,412,000 request. The overall
duction reflects numerous congressional-directed program funding
djustments, including the deletion of all funding for the following
rograms:

rmy

Air Defense Suppression Missile.
Test, measure diagnostic equipment technology.
Aircraft weapons.
Contemporary issue development.
Automatic test equipment.
Army/Navy SAM.
Assault breaker.
Tactical operations system.
Pershing II.
IFF equipment.
Charged particle beam technology.
Advanced electronic devices.
Acoustic search sensors.
SIRCS.
Long-range dual mode missile.
Advanced defense suppression system.
WVR antiaircraft missile.
Air control (MWSL).
A/C IR signal suppression.
Naval special WF craft.
Shipboard EW improvements.
Target system development.
USN test pilot school.
R. & D. operational support planning.

r Force

FAC-X.
Airborne command center.
Night attack aircraft.
MVR A-A missile.
Low-level Laser GB.
Satellite control station.
General purpose communication system.
International cooperative R. & D.
Public affairs.

n addition to authorizing the fiscal year 1979 R.D.T. & E. fund-
levels for the various services and Defense agencies, Title II, in
ions 201 through 204, specifies various restrictions, limitations, and
uirements for the Defense Department's NATO Airborne Warn-
and Control System (AWACS) program, Extremely Low Fre-
ncy (ELF) communication system, and survivable land-based in-
ontinental ballistic missile system development.

itle III of the law provides that for fiscal year 1979 each com-
ent of the Armed Forces is authorized an end strength for active-
y personnel as follows:

Army, 775,800.
Navy, 523,550.

Marine Corps, 190,000.
Air Force, 566,400.

Title IV of the law provides that for fiscal year 1979 the Selected Reserve of each Reserve component of the Armed Forces will be programmed to attain an average strength of not less than the following:

The Army National Guard of the United States, 362,200.
The Army Reserve, 195,750.
The Naval Reserve, 87,000.
The Marine Corps Reserve, 33,000.
The Air National Guard of the United States, 92,150.
The Air Force Reserve, 53,075.
The Coast Guard Reserve, 11,700.

Sections 402 and 403 extend the authority for an educational assistance program for the enlisted reserves and reenlistment bonus for members of the selected reserve for a period of 2 years.

Section 404 provides authority for the service concerned to establish a bonus for enlistment in the Selected Reserve of the Ready Reserve. This authority is provided for a period of 2 years.

Section 405 eliminates the option for an individual in the Ready Reserve to transfer to the Standby Reserve for the last year of obligated service.

Section 406 repeals section 279 of title 10, United States Code, requiring an annual report on Reserve forces.

Title V of the law provides in fiscal year 1979 an overall end-strength authorization for civilian personnel—direct and indirect hire—in the Department of Defense of 1,005,500 which the Secretary of Defense shall apportion among the services.

The language of this title also increases the Secretary of Defense's authority to exceed the authorized civilian end-strength figure by not more than 1¼ percent when he considers it in the Nation's interest to do so.

Title VI of the law authorizes the military training student loads for each component of the Armed Forces, active and Reserve, for fiscal year 1979.

Section 602 requires the Secretary of Defense to notify the Congress of any substantial reduction or force structure realignment of the training base or training program planned as a part of the fiscal year 1979 Defense program to ensure that Congress has a reasonable opportunity to review the proposed training reductions and realignments.

Title VII of the law authorizes $96,500,000 for fiscal year 1979 to carry out the provisions of the Federal Civil Defense Act of 1950 for programs of the Defense Civil Preparedness Agency. This amount is identical to the President's budget request.

Section 702 authorizes a study of the special defense needs of areas of the United States which contain significant elements of the United States strategic nuclear retaliatory forces or significant defense-related research laboratories or facilities.

Under the General Provisions in Title VIII section 801 provides for a 2-year extension of authority to provide special pay and bonuses for military health professionals.

Section 802 provides for a 2-year extension of authority to provide reenlistment and enlistment bonuses to enlisted personnel in critical skills and also guarantees that the bonus in effect for a skill at the time a member agrees to retrain in that skill will be the bonus payable to him once he qualifies and reenlists in the new skill.

Section 803 provides for a 2-year extension of authority to provide financial assistance to officer candidates under the Marine Corps Platoon Leaders Class program.

Section 804 modifies the structure and rates of sea pay for enlisted personnel assigned to sea duty, over a graduated 3-year phase, and provides a save-day protection for those who would lose eligibility under the new sea-duty provision.

Section 805 provides for the revised organizational structure of the Army Dental Corps and also establishes the statutory position of Assistant Surgeon General for Dental Services in the Air Force.

Section 806 establishes a ceiling for payments to physicians under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) at the 90th percentile of the customary charges made for similar services in the same locality and requires that fee schedules be current.

Section 807 makes the Marine Corps Commandant a regular, standing member of the Joint Chiefs of Staff.

Section 808 removes restrictions in law to permit Navy women to be assigned to noncombat vessels on a permanent basis, and to temporary duty aboard combat vessels not expected to be assigned combat missions.

Section 809 requires that military colleagues must make military training available to qualified undergraduate female students under regulations established by the Secretary of Defense, but the Secretary shall not require that military training for female students be compulsory.

Section 810 establishes a U.S. Navy shipbuilding policy, providing in part that it is the policy of the U.S. to modernize the combatant forces of the U.S. Navy, including construction of more survivable, less costly, and more effective naval aircraft platforms than those presently in the Navy. In any requests for authorization for additional ships for the combatant forces, including aircraft carriers, the President shall include a recommendation as to whether or not the ship should be nuclear powered, and the reasons therefor.

Section 811 precludes the assignment of any of the carriers Service Life Extension Program (SLEP) or DDG-2 conversion ships to a specific public or private shipyard until a comprehensive study is completed by the Secretary of the Navy and presented to the Congress as to the least-cost alternative for accomplishing such work.

Section 812 provides that unused funds authorized to be appropriated in Public Law 95–79 for comprehensive evaluation studies of sea-based aircraft platforms be applied toward the continuing study of any aircraft carrier platform authorized by the fiscal year 1979 Defense Authorization Act.

Section 813 requires that a senior company official certify to the best of his knowledge and belief that the claim is made in good faith and that supporting data is accurate and complete. The provision is not retroactive and applies only to claims submitted after the date of enactment of this public law.

Section 814 requires the Scretary of Defense to use, during fiscal year 1979, the policy and regulations which were in force before

June 30, 1976, when determining whether commercial or industrial functions should be performed by Defense employees or private contractors. This requirement would lapse before the end of fiscal year 1979 if the Secretary of Defense submits a report detailing proposed changes in policy and regulations to the Congress 60 days before implementation of the changes.

Section 815 amends Chapter 49 of title 10, United States Code, to prohibit the sale of certain defense articles from stocks of the Department of Defense unless the President determines that there is an international crisis affecting the national security of the United States and that the sale of such stocks is in the national interest.

Section 816 authorizes the Secretary of Defense to provide logistical support and personnel services, to lend and provide equipment and provide such other services as may be considered necessary and appropriate to the 1980 Olympic winter games. In addition, cost of such assistance is limited to $2 million in fiscal year 1979 and must be specifically appropriated for such purposes before being obligated or expended.

Section 817 restricts expenditure of funds authorized to be appropriated in this Act for the realignment of any military installation in the Canal Zone to such use as is consistent with the responsibility of and the necessity for the United States to defend the Panama Canal or with legislation which may be enacted to implement the Panama Canal Treaties of 1977.

Section 818 amends sections 5231(b) and 5232(b) of title 10, United States Code, to authorize the distribution of flag officers by grade for the Navy and Marine Corps consistent with those of the Army and Air Force.

Section 819 provides that individuals who perform bagger or carry-out service in a commissary shall not be considered employed for purposes of the Fair Labor Standards Act of 1938 if sole compensation is derived from the commissionary patron as a result of tips.

Sections 820 and 821, Abolishment of Women's Army Corps and Audit and Review of Certain Funds, respectively, are referenced above.

(H. Rept. 95–1573, accompanying H.R. 14042; S. Rept. 95–1197; no conference report.) Date of enactment: October 20, 1978.

PUBLIC LAW 95–492 (S. 3373)

To amend Title 10, United States Code, to authorize the Secretary of Defense to provide transportation to the Girl Scouts of the United States of America in connection with International World Friendship Events or Troops on Foreign Soil meetings, and for other purposes

Public Law 95–492 authorizes the Secretary of Defense to provide transportation on military aircraft or vessels for (1) Girl Scouts and officials certified by the Girl Scouts of the United States of America as representing the Girl Scouts at International World Friendship Events or Troops on Foreign Soil meetings, approved by the national board of directors of the Girl Scouts, and conducted outside the United States; (2) U.S. citizens coming from outside the United States as delegates to triennial meetings of the national council of Girl Scouts, and (3) equipment and property of these Girl Scouts and officials.

The law prescribes that transportation shall be provided at no cost to the Government, and only to the extent that it will not interfere with the requirements of military operations. The Girl Scouts must provide a sufficient bond in advance of the travel for the reimbursement of the actual costs before the transportation can be furnished.

Under this law, foreign national Girl Scouts will not be authorized to travel on Department of Defense aircraft or vessels, and the transportation that will be permitted is limited to international travel.

It has been estimated that on an annual basis no more than 200 Girl Scouts and officials of the Girl Scouts will require such transportation assistance.

The Congressional Budget Office estimates that because of the reimbursement feature, Public Law 95–492 will have no budgetary impact.

(H. Rept. 95–1572; S. Rept. 95–1137) Date of enactment: October 20, 1978.

PUBLIC LAW 95–509 (H.R. 11686)

To authorize appropriations for the Department of Energy for national security programs for fiscal year 1979, and for other purposes

Section 101 of Public Law 95–509 authorizes funds to be appropriated to the Department of Energy for fiscal year 1979 for operating expenses incurred in carrying out national security programs, including scientific research and development in support of the armed services, strategic and critical materials necessary for the common defense, and military applications of nuclear energy.

Section 102 authorizes funds to be appropriated to the Department of Energy for fiscal year 1978 for plant and capital equipment, including planning, construction, acquisition, or modification of facilities—including land acquisition—and for acquisition and fabrication of capital equipment not related to construction, necessary for national security programs.

Section 103 authorizes funds to be appropriated to the Department of Energy for fiscal year 1978, for national security projects previously authorized by law.

The amounts authorized to be appropriated are set forth in the following table:

DEPARTMENT OF ENERGY, FISCAL YEAR 1979 NATIONAL SECURITY PROGRAM AUTHORIZATION

[In millions of dollars]

Bill section	Request	House	Senate	Public Law 95-509
Sec. 101—Operating expenses:				
Weapons activities	1,232.694	1,200.000	1,237.194	1,237.194
Defense intelligence and arms control	28.400	28.400	32.600	32.600
Special materials production	501.500	514.500	514.500	514.500
Inertial confinement fusion	91.800	104.000	104.000	104.000
Nuclear materials safeguards and security	40.089	40.089	45.089	45.089
Naval reactor development	265.600	265.600	265.600	265.600
Program direction and management support, national security programs	47.151	47.151	47.151	47.151
Total	2,207.234	2,199.740	2,246.134	2,246.134
Sec. 102—Plant and capital equipment:				
Weapons activities	173.100	173.600	206.600	206.600
Special materials production	178.200	126.200	126.200	126.200
Inertial confinement fusion	8.200	8.200	9.200	9.200
Nuclear materials safeguards and security	3.000	3.000	3.000	3.000
Naval reactor development	25.000	25.000	25.000	25.000
Program direction and management support, national security programs	.300	.300	.300	.300
Total	387.800	336.300	370.300	370.300
Sec. 103—Prior year plant:				
Weapons activities	57.450	55.150	55.150	55.150
Special materials production	180.800	118.900	118.900	118.900
Inertial confinement fusion	187.000	187.000	187.000	187.000
Total	425.250	361.050	361.050	361.050
Grand total	3,020.284	2,897.090	2,977.484	2,977.484

The general provisions of the law contain numerous restrictions, limitations, requirements, and authorizations relating to the expenditure of funds.

Reprogramming.—Section 201 requires notice to the Appropriations and Armed Services Committees of the Congress and up to a 30-day waiting period for specific approval before funding can exceed authorization for any authorized project, or to start any project that had not previously been authorized.

Project cost variations.—Section 202 prohibits the start of any authorized project if the then current total estimated cost exceeds authorization by more than 25 percent. Projects underway must be halted if cost escalates more than 25 percent above authorization. Additional funds must be authorized before restart can occur. Projects with a current total estimated cost of less than $5 million are exempt from Section 202.

Limits on general plant projects.—Section 203 allows the start of new projects if the total cost does not exceed $750,000 and any construction in a given project does not exceed $300,000, unless the Secretary of Energy determines that a sum in excess of $300,000 is necessary in the interest of efficiency and economy. The total cost of all general plant projects cannot exceed the total authorized by more than 25 percent.

Availability of funds.—Section 204 provides that funds appropriated are available for use, when necessary, in connection with all national security programs of the Department of Energy, subject to the provisions of appropriation acts.

Construction design services.—Section 205 provides authorization for construction design services for Department of Energy national security programs which have been presented to or requested of the Congress. Such services cannot exceed the amount authorized. If any one project is estimated to exceed $300,000 the Secretary must notify the appropriate congressional committees in writing of the estimated design cost at least 30 days before obligating funds for design services.

Adjustments for pay increases.—Section 206 permits the salary, pay, retirement, or other benefits for Federal employees to be increased by the amounts authorized by law.

Restrictions on the B43 bomb.—Section 207 prohibits the use of funds authorized to be appropriated by this Act to be used for testing, modernizing, rebuilding or replacing B43 bomb components, except for expenditures for quality and reliability testing and the replacement of B43 limited-life components.

Future requests for authorizations of appropriations.—Section 208 requires the Secretary of Energy to submit for fiscal year 1980, and each subsequent fiscal year, a single request for authorizations for appropriations for those Department programs involving scientific research and development in support of the armed forces, the military applications of nuclear energy, the strategic and critical materials necessary for the common defense, and other programs which involve the common defense and security of the United States.

Study of capital investment requirements.—Section 209 requires the Secretary of Energy to conduct a study of the status of all Government plants, capital equipment and utilities associated with the U.S. nuclear weapons program. The study will be submitted to the Congress at the same time as the fiscal year 1980 authorization request. The study will analyze the status of the total weapons complex, what must be done to restore the complex to a satisfactory condition, and a plan to accomplish such restoration.

Accounting for military personnel detailed to the Department of Energy.—Section 210 requires that military personnel assigned to the Department of Energy be included in the authorized end strengths of their respective services.

Restrictions on SM–2 warhead.—Section 211 prohibits the use of any authorized funds to be spent on the SM–2 missile nuclear warhead until an arms control impact statement is filed with the Congress. (NOTE.—the arms control impact statement was filed with the Congress on October 6, 1978).

(H. Rept 95–1108) Date of enactment: October 24, 1978.

PUBLIC LAW 95–517 (H.R. 11945)

To authorize the Secretary of the Army to return to the Federal Republic of Germany ten paintings of the German Navy seized by the United States Army at the end of World War II

Public Law 95–517 authorizes the Secretary of the Army to transfer to the Federal Republic of Germany title to, and custody of, 10 paintings depicting the German Navy that were seized from the German Government by the United States Army after World War II.

The 10 paintings were among some 8,000 pieces of German art seized legitimately by the United States Army after World War II. Return of these paintings was formally requested by representatives of the Federal Republic of Germany.

This law will result in no cost to the Government.

(H. Rept. 95–1575, no written Senate report). Date of enactment: October 25, 1978.

PUBLIC LAW 95–521 (S. 555)

To establish certain Federal agencies, effect certain reorganizations of the Federal Government, to implement certain reforms in the operation of the Federal Government and to preserve and promote the integrity of public officials and institutions, and for other purposes

Public Law 95–521, known as the Ethics in Government Act of 1978, requires high-level officers and employees of the legislative, executive and judicial branches of the government; i.e., GS–16, or equivalent, and above, to file annual reports which detail the source, type and amount of all income and gifts, as well as investments, liabilities, securities transactions, etc. The law also provides for public access to those reports. It establishes an Office of Government Ethics to supervise the prevention of conflicts of interest by federal officers and employees. The Act also amends the existing law dealing with postemployment conflicts of interest.

The law, insofar as it applies to personnel of the uniformed services, requires officers at pay grade O–7 and above to file annual financial disclosure statements. Those statements must be filed with the secretary of the service concerned. The 1-year, postemployment prohibition against acting as an agent or attorney for, or representing anyone in a formal or informal appearance before, or oral or written communications to, the department or agency in which he served in connection with a pending proceeding also applies to former officers of the uniformed services who served in pay grades O–7 and above.

The cost of Public Law 95–521 is estimated at $750,000 in the first fiscal year and $1 million per year thereafter.

(H. Rept. 95–642, Parts I and II, accompanying H.R. 6954; H. Rept. 95–800, accompanying H.R. 1; S. Repts. 95–170 and 95–273, accompanying S. 555; H. Conf. Rept. 95–1756) Date of enactment: October 26, 1978.

PUBLIC LAW 95–551 (H.R. 13416)

To amend title 10, United States Code, to modernize the permanent faculty structure at the United States Military Academy, and for other purposes

Public Law 95–551 makes three basic changes in the statutes which establish the composition of the permanent faculty at the U.S. Military Academy.

First, the legislation revises section 4331 of title 10, United States Code, with regard to the allocation of the 21 authorized permanent professorships among the academic departments. Section 4331 specifically designated the permanent professorships among the academic departments; e.g., 2 permanent professors for English, 1 for law, etc. This law alters existing law by authorizing a total of 22 permanent professorships, leaving the designation of these positions to the administration at the Military Academy. This permits maximum flexibility for necessary curriculum and faculty changes. An additional professorship is authorized in order to establish a new academic Department of Behavioral Sciences and Leadership.

Second, this law substitutes the title "director of admissions" for the title "registrar" in all applicable places in existing law. This change simply brings the title of the job into consonance with the function.

Third, references to the positions of professor of military hygiene, adjutant and director of music in existing law are deleted. None of these incumbents perform an academic function in the manner of the permanent faculty at the academy. These positions are filled through normal Army assignment channels.

The Congressional Budget Office estimates that this law will have no budgetary impact.

(H. Rept. 95–1657, no Senate report) Date of enactment: October 30, 1978.

PUBLIC LAW 95–581 (H.R. 10343)

To provide for recalculation of the retired pay of individuals who served as sergeant major of the Marine Corps before December 16, 1967

Public Law 95–581 permits members who served in the position of sergeant major of the Marine Corps before the special basic pay for members serving in that position was authorized to recalculate their retired pay based on that higher basic pay. Only prospective payments are authorized.

The cost is estimated to be $6,196 in fiscal year 1979, rising to $7,749 in fiscal year 1983.

(H. Rept. 95–857, no Senate report.) Date of enactment: November 2, 1978.

PUBLIC LAW 95–589 (H.R. 13903)

To amend title 10, United States Code, to provide that a member of the Board of Regents of the Uniformed Services University of the Health Sciences whose term of office has expired shall continue to serve until a successor is appointed

Public Law 95–589 amends section 2113(b) of title 10, United States Code, to provide that a member of the Board of Regents of the Uniformed Services University of the Health Sciences, whose term of office has expired, shall continue to serve until his successor is appointed.

Since June 1977, the terms of three members of the Board of Regents have expired and no successors have been nominated for the vacant positions. Other terms will expire in the near future. The law is intended to avert a situation in which the Board of Regents, which operates the University, would be unable to function because of a reduced membership.

This legislation will result in no cost to the Government.

(H. Rept. 95–1685, no Senate report.) Date of enactment: November 4, 1978.

PUBLIC LAW 95–610 (S. 274)

To amend title 10, United States Code to prohibit union organization of the armed forces, membership in military labor organizations by members of the armed forces, and recognition of military labor organizations by the Government, and for other purposes

Public Law 95–610 makes it unlawful for members of the armed forces, who know of the activities of a military labor organization, to join or maintain membership in such an organization or to attempt to enroll any other member of the armed forces.

The law also makes it unlawful for any person to: (1) enroll a member of the armed forces in a military labor organization; (2) negotiate or bargain on behalf of members of the armed forces concerning terms or conditions of service; (3) organize any strike, picketing or demonstration intended to induce civilan officers or employees, or members of the armed forces to: (a) negotiate or bargain concerning the terms or conditions of service; (b) recognize any military labor organization as a representative of members of the armed forces in connection with grievances or complaints; (c) make any change in the conditions of service in the armed forces; or (d) use any military installation, facility, reservation or vessel for meetings, picketing, demonstrations or similar activities for the purpose of engaging in any activity prohibited by the act.

This legislation would also make it unlawful for any military labor organization to represent a member of the armed forces before a civilian officer or employee, or member of the armed forces in connection with any grievance or complaint arising out of the terms or conditions of service.

Public Law 95-610 also prohibits military or civilian officials from: (1) negotiating or bargaining on behalf of the United States with any person who represents or purports to represent members of the armed forces; or (2) permitting the use of military facilities for a meeting, march, or picketing for the purpose of engaging in activities prohibited by the law.

It is estimated that Public Law 95-610 will result in no additional cost to the Government.

(H. Rept. 95-894, S. Rept. 95-411). Date of enactment: November 8, 1978.

Private Law

PRIVATE LAW 95-163 (H.R. 3307)

For the relief of Anthony Casamento

Private Law 95-163 waives the 5 year statutory time limitation for awarding military decorations contained in section 6248(a) of title 10, Unted States Code, to permit the award of an appropriate medal to Mr. Anthony Casamento for acts he performed on Guadalcanal in November 1942, while serving in the Marine Corps.

The Congressional Budget Office estimates Private Law 95-163 will have no budgetary impact.

(H. Rept. 95-1389; no Senate report) Date of enactment: November 2, 1978.

Bills Considered by Committee Which Became Public Law As Provisions of Other Legislation

H.R. 5502

To authorize supplemental appropriations during fiscal year 1977 for military construction and for operation and maintenance of family housing, and for other purposes

This bill would have authorized $122,126,000 in military construction and family housing appropriations added by the House of Representatives on March 16, 1977, by floor amendment to the fiscal year 1977 supplemental appropriations bill (H.R. 4877).

Specifically, H.R. 5502 authorized $57,125,000 in emergency conservation and pollution abatement projects and $65 million for repairs, improvements, and minor construction of military family housing.

The House passed the bill by voice vote on April 4, 1977, and it was subsequently incorporated in S. 1474, the Military Construction Authorization Act, fiscal year 1978, which became Public Law 95–82. (H. Rept. 95–149; H. Rept. 95–494.)

H.R. 7431

To amend section 6015 of title 10, United States Code, to permit the Secretary of the Navy to prescribe the kind of military duty to which women members of the naval service may be assigned

H.R. 7431, as introduced, would remove restrictions in law to permit Navy women to be assigned to noncombat vessels on a permanent basis, and to temporary duty aboard combat vessels not expected to be assigned combat missions.

The provisions of H.R. 7431 were included as section 808 of S. 3486, the fiscal year 1979 Department of Defense Authorization bill (Public Law 95–485).

(H. Rept. 95–1118; S. Rept. 95–826.) Date of enactment: October 20, 1978.

H.R. 8647

To amend chapter 55 of tile 10, United States Code, to establish a ceiling for payments to physicians under CHAMPUS, and for other purposes

H.R. 8647 would establish a ceiling for payments to physicians under CHAMPUS at the 90th percentile of the customary charges made for similar services in the same geographical area, vice the 75th percentile, and require the physician customary charge profiles to be updated every 12 months.

A cost estimate of H.R. 8647 ranges from $15 million in fiscal year 1978 to $22 million in fiscal year 1983.

On November 1, 1977, the Armed Services Committee favorably reported the legislation, but no action was taken in the House. (H. Rept. 95–815.)

The provisions of H.R. 8647 were included as Section 806 in S. 3486, the fiscal year 1979 Department of Defense Authorization bill (Public Law 95–485).

(H. Rept. 95–1118; S. Rept. 95–826.) Date of enactment: October 20, 1978.

In H.R. 13635, the fiscal year 1979 Department of Defense Appropriations bill (Public Law 95–457), the ceiling for payments to physicians under CHAMPUS was set at the 80th percentile for fiscal year 1979. However, the physician fee schedules will be updated at least every 12 months, and along with the 90th percentile provision of S. 3486, this annual updating becomes a part of permanent law.

BILL VETOED BY THE PRESIDENT

H.R. 10929

To authorize appropriations for fiscal year 1979 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons and for research, development, test and evaluation for the Armed Forces, to prescribe the authorized personnel strength for each active duty component and the Selected Reserve for each Reserve component of the Armed Forces and for civilian personnel of the Department of Defense, to authorize the military training student loads, to authorize appropriations for civil defense, and for other purposes

This bill was the Department of Defense Appropriation Authorization Act for fiscal year 1979. Hearings on the legislation were conducted during the period of February 1, 1978, and May 2, 1978.

In approving the bill, the committee made numerous changes to the budget request of the Department of Defense to force more efficient use of defense dollars. The committee approved H.R. 10929 on April 26, 1978, and ordered the bill reported on May 2, 1978, with an authorization totaling $37,907,120,000. The amount was $2,423,308,000 over the total of $35,483,812,000 requested by the President. After passage in the House and conference with the Senate, H.R. 10929 was sent to the President on August 7, 1978, containing a total authorization of $36,956,969,000.

On August 17, 1978, the President vetoed H.R. 10929 (H. Doc. 95-377) stating, among other reasons, his objection to the inclusion in H.R. 10929 of authorization for a nuclear-powered aircraft carrier in the amount of $1.93 billion. On September 7, 1978, by a vote of 191 to 206 on a motion to override, the House sustained the President's veto of H.R. 10929, thus requiring the Congress to reconsider the legislation.

(See discussion of Public Law 95-485.) (H. Rept. 95-1118; S. Rept. 95-826, accompanying S. 2571; H. Conf. Rept. 95-1402; Veto message, H. Doc. 95-377)

BILLS LEFT PENDING IN THE HOUSE

H.R. 9713

To repeal provisions of title 10, United States Code, which impose certain restrictions on enlisted members of the Armed Forces and on members of military bands

H.R. 9713 would have repealed sections of the law which impose restrictions on enlisted members of the Armed Forces and on members of military bands with regard to employment for compensation in the civilian community during off-duty hours.

On November 1, 1977, the Armed Services Committee favorably reported H.R. 9713, but no action was taken in the House. (H. Rept. 95-813.)

H.R. 12557

To authorize appropriations for fiscal year 1979 for the Department of Energy for conservation, development, and use of naval petroleum and oil shale reserves, and for other purposes

H.R. 12557 would have authorized appropriations totaling $199,005,000 for fiscal year 1979. The bill would have authorized the following amounts for each reserve:

Naval petroleum reserve No. 1	$169, 594, 000
Naval petroleum reserve No. 3	28, 111, 000
Naval oil shale reserves 1 and 3	1, 300, 000

The bill would have amended current law to require the development of the naval petroleum reserves to a capacity to produce only at the maximum efficient rate for the purposes of national defense. However, the bill would have also reduced production from the maximum efficient rate to the lowest rate sufficient to support the costs of exploration, development and operation of the naval petroleum reserves including costs of any land acquisition necessary at the reserves. In addition, it would have terminated funding from the naval petroleum reserve special account for the strategic petroleum reserve and for the national petroleum reserve in Alaska.

The bill would have amended chapter 641 of title 10, United States Code, to conform to the language of subsequent statutory enactments and to correct errors in the text of chapter 641.

As estimated by the Congressional Budget Office, the cost of H.R. 12557 would have been $73 million for fiscal year 1978, $101 million for fiscal year 1979, $20 million for fiscal year 1980 and $5 million for fiscal year 1981.

H.R. 12557 was reported by the Armed Services Committee on May 12, 1978, but no action was taken in the House. (H. Rept. 95–1146).

Bills Left Pending in the Senate

H.R. 2637

To amend title 10, United States Code to authorize the Secretary of the Air Force to contract with air carriers to acquire civil aircraft to provide greater cargo capacity for national defense purposes in the event of war or national emergency, and to modify existing passenger aircraft for this purpose

This bill would have increased the amount of cargo capacity available from the Civil Reserve Air Fleet (CRAF) to meet the country's national defense airlift needs.

In addition to hearings held September 19 and 20, 1977, to receive testimony on H.R. 2637, the committee also received testimony on the posture of military airlift in general and the Defense Department's proposed consolidation of all military airlift under the Military Airlift Command (MAC). The committee, in its report on H.R. 2637, concluded that the Department of the Navy organic airlift force, as authorized by public law, is a mandatory requirement and a vital national asset, not competitive with the assigned missions of the Military Airlift Command. The committee recommended the Navy organic airlift be continued as a separate entity and not be absorbed into MAC.

The committee's report was filed on October 28, 1977, and the bill was passed by the House on February 14, 1978. However, no action was taken by the Senate. (H. Rept. 95–776.)

H.R. 4895

To amend the Strategic and Critical Materials Stock Piling Act, and for other purposes

This bill would have provided for the establishment of a special Strategic and Critical Materials Procurement Fund to be funded from disposal sales. Moneys in the fund would have been used to ac-

best copy available

quire materials in the future for the stockpile, subject to the normal congressional authorization and appropriations processes; but acquisitions would not have been restricted to moneys in that fund. The bill would have: established a coordinated program within the Government to enhance the acquisition of strategic and critical materials through barter with foreign countries; required authorizations for appropriations for procurement of items under this act rather than relying on previous continuing authorization; authorized transfer of excess stockpile materials at fair market value as payment for expenses of acquisition, refining, or processing of materials—which is permanent legislation; and required a detailed report on the efforts of Federal departments and agencies to acquire these materials through barter.

H.R. 4895 was reported by the Committee on Armed Services on March 17, 1977, and on March 31, 1977, was approved by the House by a rollcall vote of 373 to 24. The Senate Armed Services reported the bill, amended, on May 15, 1978. (H. Rept. 95–104, S. Rept. 95–846.)

H.R. 5503

To amend titles 10 and 37, United States Code, relating to the appointment, promotion, separation, and retirement of members of the armed forces, and for other purposes

H.R. 5503, known as the Defense Officer Personnel Management Act (DOPWA), would have revised the laws governing the management of the commissioned-officer active-duty force of the Armed Forces. The bill would have: established new statutory limitations on the number of officers who serve in the senior grades below flag rank; provided common law for the appointment of Regular officers and for the active-duty service of Reserve officers; provided uniform laws for promotion procedures for officers in the separate services; established common provisions governing career expectation in the various grades; and established common mandatory separation and retirement points. Additionally, the bill would have equalized promotion opportunity for women officers; provided a positive selection from grade O–7 to O–8 in the Navy and established a new title of commodore admiral for the Navy O–7 grade; provided a single promotion system for each service and an all-Regular career force after 11 years of commissioned service; provided for reductions in the number of officers in the grades of O–5 (lieutenant colonel and Navy commander) and O–6 (colonel and Navy captain); revised the constructive service credit procedures for the Armed Forces, including a more equitable system of constructive credit for the health professions; and provided for increased separation pay for involuntarily separated officers.

H.R. 5503 was passed by the House on February 14, 1978

The Senate Committee on Armed Services Subcommittee on Manpower and Personnel held one day of hearings on H.R. 5503. Some provisions of DOPMA requiring expeditious action were included in S. 3454 (Public Law 95–377).

The cost of the bill would have been $32 million in fiscal year 1978, declining to $9 million by 1982. (H. Rept. 95–566, pts. 1 and 2.)

H.R. 6237

To amend section 9441 of title 10, United States Code, to provide for the budgeting by the Secretary of Defense, the authorization of appropriations, and the use of those appropriated funds by the Secretary of the Air Force, for certain specific purposes to assist the Civil Air Patrol in providing services in connection with the noncombatant mission of the Air Force

H.R. 6237 would have amended existing law to broaden the authority of the Secretary of the Air Force in providing support to the Civil Air Patrol. It would have increased the Secretary's authority to acquire excess Government property for the Civil Air Patrol. It would have also enlarged his authority to use authorized and appropriated funds in support of specified Civil Air Patrol activities, such as supplying Air Force uniforms, furnishing fuel and lubricants for unit capability testing and training missions, reimbursement of costs incurred while flying authorized missions, and travel and subsistence expenses while on authorized missions.

The estimated cost of H.R. 6237 during fiscal year 1979 was $1,057,188.

The bill passed in the House on October 10, 1978, by unanimous consent, but no action was taken in the Senate. (H. Rept. 95–1719.)

H.R. 6966

To amend title 10 of the United States Code to provide a more equitable standard for awarding the goldstar lapel button

This bill would have amended section 1126 of title 10, United States Code, to establish a uniform standard for award of the gold star lapel button for past and future periods when U.S. military personnel lost or lose their lives during periods of armed hostilities.

H.R. 6966 was reported to the House on October 12, 1977, and passed in the House by unanimous vote on October 17, 1977. However, no action was taken in the Senate (H. Rept. 95–699.)

H.R. 9486

To authorize a contribution by the United States to the Tin Buffer Stock established under the Fifth International Tin Agreement

This bill would have authorized a contribution of up to 5,000 long tons of tin by the United States from the national and supplemental stockpiles to the International Tin Buffer Stock pursuant to the Fifth International Tin Agreement (ITA) and also would have authorized the disposal of an additional surplus of 30,000 long tons of tin to be disposed by the General Services Administration (GSA).

In addition, the bill would have provided for the establishment of a special strategic and critical materials procurement fund. Revenues realized from the sale of excess stockpile materials would have been placed in this fund. These moneys would have then been used to acquire materials in the future for the stockpile subject to the normal congressional appropriation process.

H.R. 9486 was reported by the Committee on Armed Services on May 23, 1978, and on September 25, 1978, was approved by the House by a rollcall vote of 308 to 75; however, no action was taken on the bill in the Senate. (H. Rept. 95–1057 Part II.)

H.R. 10341

To amend title 10, United States Code, to authorize reserve enlisted members of the Army and Air Force to retire with twenty years of service

H.R. 10341 would have authorized retirement with an immediate annuity for Reserve enlisted personnel in the Army and Air Force after they completed 20 years of active duty. Present law provides retirement eligibility with an imemdiate annuity after completion of 20 years of active service for Regular enlisted personnel of all of the armed services, and Reserve enlisted personnel of the Navy and Marine Corps. Army and Air Force Reserve enlisted personnel are authorized to retire only at age 60.

Until recently all enlisted personnel in the Army and Air Force were in the Regular component long before they reached 20 years of active service. However, since 1971, both the Army and Air Force have enlisted for short tours small numbers of personnel with prior service to serve in Reserve positions to satisfy a special requirement in support of the Reserve mission. Some of those members are now completing 20 years of active service.

The cost of H.R. 10341 was estimated to be $0.5 million in fiscal year 1979, rising to $1.6 million in fiscal year 1983.

H.R. 10341 was passed in the House under suspension of the rules on June 26, 1978, but no action was taken in the Senate. (H. Rept. 95-855.)

H.R. 11823

To amend section 1331(c) of title 10, United States Code, to allow certain otherwise ineligible reservists to become eligible for retired pay, and for other purposes

H.R. 11823 would have authorized under certain circumstances retired pay at age 60 for individuals who participated in the Reserve prior to August 16, 1945, but who did not serve on active duty during World War I, World War II or Korea. The bill would have authorized retired pay if the member served on active duty (except for training) during the Cuban or Berlin crises or during Vietnam.

The cost was estimated to be $620,000 in fiscal year 1979, rising to $775,000 in fiscal year 1983.

H.R. 11823 was passed by the House, under suspension of the rules, on July 25, 1978, but no action was taken in the Senate. (H. Rept. 95-1076.)

H.R. 13268

To authorize the appointment of Lloyd Leslie Burke, Colonel, United States Army, to the grade of brigadier general

H.R. 13268 would have authorized the President to advance Colonel Lloyd Leslie Burke, U.S. Army (retired), to the grade of brigadier general on the retired list. No increase in retired pay or allowances or other benefits would have accrued as a result of such advancement. The bill was intended to provide unique recognition for a unique career and was not intended to set a precedent outside the normal promotion procedures used by the Armed Forces.

H.R. 13268 passed the House on August 15, 1978, but no action was taken in the Senate. (H. Rept. 95-1419.)

House Resolutions Tabled by Committee

H. RES. 1309

To disapprove the proposed action by the Secretary of the Navy to modify certain shipbuilding contracts with the Electric Boat Division of the General Dynamics Corporation

This resolution would have disapproved the proposed action by the Secretary of the Navy to modify 2 contracts with the Electric Boat Division of the General Dynamics Corporation for the construction of SSN-688 class submarines under the authority of Public Law 85–804. The committee held hearings on the proposed action on August 3, 1978, and on September 13, 1978, voted to table the resolution.

H. RES. 1310

To disapprove the proposed action by the Secretary of the Navy to modify certain shipbuilding contracts with the Ingalls Shipbuilding Division of Litton Industries/Litton Systems, Inc.

This resolution would have disapproved the proposed action by the Secretary of the Navy to modify 2 contracts with the Ingalls Shipbuilding Division of Litton Industries/Litton Systems, Inc. for the construction of LHA amphibious ships and DD-963 class destroyers under the authority of Public Law 85–804. The committee held hearings on the proposed action on August 10, 1978, and on September 13, 1978 voted to table the resolution.

Legislation Considered by Subcommittees But Not Reported to Full Committee

H.R. 127

To allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief, and for other purposes

This bill would have amended the Federal Civil Defense Act of 1950 to authorize the use of Federal civil defense funds by local civil defense agencies for natural disaster or civil-disturbance relief. It would have increased the existing Federal contribution of 50 percent to 75 percent for personnel and administrative expenses, student travel, emergency operating centers, and acquisition of organizational equipment. It would have increased the authorization for appropriations for travel expenses, radiological equipment and personnel, and administrative expenses.

The Military Installations and Facilities Subcommittee held hearings on October 17 and 19, 1977, to receive testimony from Members of Congress and Federal, state, and local officials. Final action was not taken on the bill pending completion of several executive branch studies concerned with the role, scope, and structure of an emergency preparedness program for the United States.

H.R. 572

To amend title 10 of the United States Code in order to provide that no veteran may be denied care or treatment under the CHAMPUS program for any service-connected disability solely because care or treatment for such disability is available at Veterans' Administration medical facilities

H.R. 572, and 5 identical bills (H.R. 589, H.R. 1186, H.R. 2470 H.R. 2667 and H.R. 3805), would have allowed eligible retirees with a service-connected disability to receive treatment for that disability under CHAMPUS. Under present interpretation of the law, such treatment must be received through the Veterans Administration.

Hearings were held, but final action was not taken by the Military Personnel Subcommittee. It is expected that the committee will further consider legislation similar to H.R. 572 early in the 95th Congress.

H.R. 780

To amend title 10 of the United States Code to provide essential medical and dental care to members or former members of a uniformed service and their dependents where the member or former member is entitled to retired or retainer pay or equivalent pay

H.R. 780, and 6 companion measures, through mandatory rather than permissive language, would have made more certain that essential health care would be provided to eligible beneficiaries in military medical facilities.

Hearings were held, but final action on the bills was not taken in the Military Personnel Subcommittee during the 95th Congress.

H.R. 5609

To authorize the Secretary of the Army to acquire certain private and State-owned lands in Texas, in exchange for Government-owned lands

The purpose of this bill was to authorize the Secretary of the Army to acquire 60,160 acres of lands at Fort Bliss, Tex. These lands, known as maneuver area No. 2, currently leased by the Department of the Army, would be exchanged for such land or interest in lands known as maneuver area No. 1, which is under the present jurisdiction of the Department of the Army. The legislation was intended to resolve problems that have developed over the years with the use of this ranch land under condemned lease to the Army for antiaircraft weaponry training and tank maneuvers.

On July 18, 1977, the Military Installations and Facilities Subcommittee received testimony on the bill from several witnesses but took no further action pending completion of a Department of the Army study of training land requirements.

H.R. 6276

To amend section 409 of title 37, United States Code, to eliminate restrictions for transporting a house trailer or mobile dwelling by a member of the uniformed services, and for other purposes

H.R. 6276 would have ensured that service members would not be financially penalized for owning mobile homes. It would have authorized reimbursement for actual expense of moving the mobile home to a Permanent Change of Station or the cost to move the member's authorized weight allowance, whichever is lower.

A hearing was held at which a Department of Defense witness testified, but no further action was taken by the Military Compensation Subcommittee.

H.R. 6277

To amend title 10, United States Code, to authorize reimbursement for expenses incurred in obtaining quarters by certain members of the uniformed services on sea duty who are deprived of their quarters aboard ship, and for othe purposes

H.R. 6277 would have authorized reimbursement of members of the Naval service, in an amount not to exceed the basic allowance for quarters for members of their grade without dependents, when they are deprived of their quarters aboard ship because of repairs or other conditions that make their shipboard quarters uninhabitable.

A hearing was held at which a Department of Defense witness testified, but no further action was taken by the Military Compensation Subcommittee.

H.R. 8248

To provide medical and dental care for certain former wives and husbands of members and former members of the armed forces

This bill, and 5 similar measures, would have provided medical and dental care to former spouses of active-duty and retired members of the armed forces if the marriage was for a minimum of 20 years.

Hearings were held on H.R. 8248 but further action was not taken by the Military Personnel Subcommittee.

H.R. 9785

To provide for the temporary transfer of the hospital ship United States Ship Sanctuary (AH–17) to LIFE International for the purpose of providing health care and related services to developing nations on a nonprofit basis, and to authorize funds for such purposes

H.R. 9785 and identical bills were jointly referred to the Committees on Armed Services and International Relations.

The legislation would have provided for the transfer of the ship USS Sanctuary to a private organization known as LIFE International. The bill also would have provided $6 million for the modification of the ship and $15.5 million for the operation of the ship. Adverse reports were received from the Agency for International Development, the Department of State, and the Department of the Navy.

The Seapower and Strategic and Critical Materials Subcommittee held hearings but voted not to report the bill to the full committee (voice vote).

H.R. 11607

To further the rationalization, standardization, interoperability, and effectiveness of the land, air, and naval forces of the North Atlantic Treaty Organization countries

H.R. 11607 would have expanded the Secretary of Defense's authority to enter into agreements with North Atlantic Treaty Organization (NATO) countries for host-nation support. Also, it would have expanded the Secretary of Defense's authority by exempting such agreements from all legal requirements for the formation of contracts.

Agreements for host-nation support would be intended to increase military operational cooperation and equipment cross-servicing through the interchange of equipment, materials, goods, other supplies and services (including use of facilities).

The bill was an Administration proposal. It was part of the Administration's program to increase cooperation among the member nations of the North Atlantic Treaty Organization and to foster standardization and interoperability.

A hearing was held by the Special Subcommittee on NATO Standardization, Interoperability and Readiness, but no further action was taken.

H.R. 12498

To amend title 10, United States Code, to provide for more efficient and expeditious disposal of lost, abandoned, and unclaimed property in the custody of the military departments

H.R. 12498 would have amended existing law concerning the disposal of lost, abandoned or unclaimed property in the custody of the military departments by reducing the time such property must be held before disposal. The time would have been reduced from 120 days to 45 days. For property which must be retained for 3 months because of inability to identify the owner or his heir or legal representative, the bill would have increased the value from $25 to $200.

The Investigations Subcommittee held a hearing on the bill but deferred further action pending additional recommendations from the Army.

H.R. 12837

To amend title 10, United States Code, to authorize waiver of application to certain laws in connection with the acquisition of property or services from friendly foreign governments and international organization to facilitate cooperation relating to defense equipments, and for other purposes

H.R. 12837 would have expanded the Secretary of Defense's authority to enter into agreements with friendly foreign governments and international organizations for any purchase of property or services. Also, it would have expanded the Secretary of Defense's authority by exempting such agreements from all legal requirements for the formation of contracts.

This legislative proposal was submitted by the Administration and was part of the program to increase cooperation among the member nations of the North Atlantic Treaty Organization (NATO) and to foster standardization and interoperability.

A hearing was held by the Special Subcommittee on NATO Standardization, Interoperability and Readiness but no further action was taken.

H. RES. 1254

***Resolved*, That the Secretary of Defense should rescind that portion of the Department of Defense directive which permits deserters from military service to receive in absentia discharges**

The Military Personnel Subcommittee held a hearing on September 26, 1978, on House Resolution 1254, which would have requested the Secretary of Defense to rescind the directive which permits deserters to be discharged in absentia.

After receiving testimony from the Office of the Secretary of Defense concerning the proposed change to existing policy for the in absentia discharge of individuals in a desertion status in excess of 18 months, the subcommittee deferred final action on the resolution in order to receive testimony from the military services.

The committee has asked the Secretary of Defense to defer implementation of the new policy on in absentia discharges until the subcommittee has an opportunity to receive additional testimony in the 96th Congress.

H.J. RES. 1002

Designating John Adams as the "Father of the United States Marine Corps"

H.J. Res. 1002 would have recognized that John Adams was instrumental in the establishment of a Marine Corps by the Second Continental Congress in 1775 and that, as President, he signed into law the Act of July 11, 1798, which established the United States Marine Corps.

The Investigations Subcommittee held a hearing but deferred further action pending additional research by the Marine Corps.

OTHER ACTIVITIES OF THE FULL COMMITTEE

The Panama Canal Treaties

In October 1977 the committee held a hearing on the security aspects of the proposed Panama Canal Treaties. The committee received testimony from Gen. George S. Brown, chairman of the Joint Chiefs of Staff, and Congressman George Hansen.

General Brown supported the treaties and stated that the Joint Chiefs of Staff recognize the Panama Canal as a major defense asset, the use of which enhances U.S. capability for timely reinforcement of our military forces. The strategic value of the canal, as discussed by General Brown, is not expected to change substantially throughout the life of the new treaty and beyond, and at least so long as the canal provides the sole means of transiting ships across the American continent.

General Brown defined the defense requirements of the Panama Canal as consisting of two components: Internal security and external defense, both of which are presently the responsibility of the U.S. Government.

In the opinion of the Joint Chiefs of Staff, any new Panama Canal treaty must assure that access to, and the security of, the Panama Canal are protected in both times of war and peace. According to General Brown, such assurance is provided by a permanent regime of neutrality, to be maintained by the United States and Panama.

Review of the State of U.S. Strategic Forces

After the President's recommendation not to produce the B-1 bomber, and coincidental with the Armed Services Committee review of the Department of Defense Supplemental Appropriation Authorization Act of 1978 (Public Law 95-184) on July 21, 1977, the Chairman of the committee proposed and the committee undertook a thorough review of the present state and future viability of our strategic forces. Since the B-1 decision had not been related by the Administration to the Strategic Arms Limitation Talks (SALT), nor was the undisputed future vulnerability of the U.S. land-based Inter-Continental Ballistic Missile (ICBM) forces addressed, the committee declared its intention that the in-depth review of strategic forces be a continuing one.

During the hearings on H.R. 8390, the original House version of the supplemental bill, the committee took testimony from high-level executive branch officials and outside witnesses. Included were the Honorable Harold Brown, Secretary of Defense; the Honorable Paul C. Warnke, Director, U.S. Arms Control and Disarmament Agency, and Chief U.S. SALT Negotiator; Adm. Stansfield Turner, Director of Central Intelligence; Dr. William J. Perry, Director of Defense Research and Engineering; Lt. Gen. Alton D. Slay, Air Force Deputy Chief of Staff for Research and Development; and the Honorable Paul H. Nitze, former Deputy Secretary of Defense and former member of the U.S. SALT Delegation. In addition to taking testimony from these witnesses and others, members of the committee went to the Strategic Air Command (SAC) Headquarters at Omaha, Nebraska, for extensive discussions with the Joint Strategic Target Planning Staff.

As a result of its initial strategic review, the committee included in the supplemental bill authorization for an additional $60 million not requested by the Administration. The provision was entitled "ICBM Initiatives" and was deemed necessary to provide preliminary research required during fiscal year 1978 so that early and meaningful decisions and commitments to well-structured programs could be made by the executive branch in order to address without delay the future vulnerability of our land-based ICBM's. However, no funds were appropriated for that purpose in the Department of Defense Supplemental Appropriation Act, 1978.

In the 2d Session the committee and the Research and Development Subcommittee, during hearings on the fiscal year 1979 Defense authorization bill, investigated Soviet development and deployments of strategic weapons, options for modernization of the U.S. bomber and ICBM legs of the Triad, the development of the air-launched cruise missile and the progress at SALT.

In addition to receiving testimony from executive branch officials on these subjects during the review of H.R. 10929, the committee held hearings devoted exclusively to U.S. strategic posture. Witnesses for these hearings included the Honorable Walter Slocombe, Principal Deputy Assistant Secretary of Defense for International Security Affairs and Director, Department of Defense SALT Task Force; Dr. Richard L. Garwin, IBM fellow, Thomas J. Watson Research Center, and adjunct professor, Columbia University; and Dr. Herbert Scoville, Jr., vice president, Arms Control Association.

A report based on information gathered during the committee's review on the projected survivability of the U.S. ICBM forces is presented in a staff study entitled "Land-Based ICBM Forces Vulnerability and Options" (H.A.S.C. document No. 95–69 of October 5, 1978).

Because of the urgency of the situation, specific legislative language was incorporated in the Department of Defense Appropriation Authorization Act of 1979 (Public Law 95–485; Sec. 203). That legislation directed the Secretary of Defense to make regular reports to the Congress on the decision of the executive branch regarding full-scale development of a survivable land-based ICBM system.

Reports to the Budget Committee

The Congressional Budget and Impoundment Control Act of 1974 requires that a recommendation from the Armed Services Committee be submitted by March 15, annually, to the Budget Committee on the overall level of the defense function budget and expenditures.

Fiscal Year 1978 Report

During calendar year 1977 the Armed Services Committee recommended to the Budget Committee, in the annual March 15 report, a target level for the National Defense Function of $120.9 billion for fiscal year 1978 budget authority, a figure $1,932.6 million below the initial Presidential (Ford administration) request and $802.7 million above President Carter's revised request to Congress.

The committee's recommendation was based on an estimate of the relatively stable portion of the defense function budget comprised of operations and maintenance (O. & M.), personnel costs and an estimate of the required level of research, development, and procurement of major weapon systems determined by threat, readiness assessments and needed modernization rates.

In defense applications of nuclear energy, the committee recommended deferral of $16 million for certain lower-priority plant and capital equipment and recommended an additional $20.2 million to accelerate laser-fusion research.

Fiscal Year 1979 Report

In the fiscal year 1979 report, the committee recommended a National Defense Function budget level of $131.1 billion, a figure $2.6 billion above the President's request of $128.4 billion.

The committee recommendations were primarily based on perceived additions to the shipbuilding program by Congress, due to what was considered an inadequate Administration request in that portion of the budget.

The following tables compare the major defense components of the President's budget requests to Congress for Fiscal Years 1978 and 1979, with Armed Services Committee recommendations to the Budget Committee for budget authority and expenditures (outlays).

NATIONAL DEFENSE FUNCTION, FISCAL YEAR 1978

[In millions of dollars]

Account	President's budget total		HASC changes		Recommended total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Procurement	32,209.0	23,509.6	+1,030.5	+116.6	33,239.5	23,626.2
Special foreign currency program	2.5	3.0			2.5	3.0
Research, development, test, and evaluation	11,717.0	11,181.3	+62.5	+40.6	11,779.5	11,221.9
Military personnel	26,140.0	25,958.6	+64.8	+58.2	26,204.8	26,016.8
Retired military personnel	9,036.0	9,035.0			9,036.0	9,035.0
Operation and maintenance	34,357.5	33,686.3	+51.8	+43.0	34,409.3	33,729.3
Defensewide contingencies	2,359.3	2,290.0	+207.8	+201.1	2,567.1	2,491.1
O. & M. defense civil preparedness agency	90.0	92.0	+44.8	+17.7	134.8	109.7
Revolving and management funds	170.8	6.3			170.8	6.3
Offsetting receipts, trust funds	−2,424.9	−545.4			−2,424.9	−545.4
Military construction and family housing defense	3,015.6	3,576.2			3,015.6	3,576.2
Military assistance	972.7	886.0			972.7	886.0
Total, other defense-related activities	2,490.2	2,267.8	−16.0	−1.0		
Committee legislative initiatives	0	0	+106.5	+106.5	106.5	106.5
Financial adjustments—Transfer forward of prior year budget Authority	0	0	−750.0	0	−750.0	0
Total DOD/MAP	117,709.0	109,742.4	+818.7	+583.7	118,527.7	110,326.1
Total defense function	120,135.7	111,946.7	+802.7	+582.7	120,938.4	112,529.4

NATIONAL DEFENSE FUNCTION, FISCAL YEAR 1979

[In millions of dollars]

Account	President's budget total		HASC changes		Recommended total	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
Procurement	31,927.6	24,208.0	+2,672.4	+117.5	34,600.0	24,325.5
Special foreign currency program	14.4	2.8			14.4	2.8
Research, development, test, and evaluation	12,460.0	11,861.0			12,460.0	11,861.0
Military personnel	27,211.2	26,866.0	+295.0	+275.1	27,506.2	27,141.1
Retired military personnel	10,148.9	10,122.0			10,148.9	10,122.0
Operation and maintenance	37,376.2	36,454.0	+126.4	+101.1	37,502.6	36,555.1
Defensewide contingencies	2,304.9	2,288.0	+10.9	+10.9	2,315.8	2,298.9
Defense civil preparedness agency	96.5	98.0	+40.5	+22.2	137.0	120.2
Revolving and management funds	100.8	214.0	−100.8		0	214.0
Offsetting receipts, trust funds	−579.1	−570.0			−579.1	−570.0
Military construction and family housing, defense	4,253.0	3,412.0			4,253.0	3,412.0
Total, other defense related activities	3,116.8	2,823.4	+7.5	+5.6	3,124.3	2,829.0
Committee legislative initiatives	0	0	+77.3	+77.3	77.3	77.3
Financial adjustments—Transfer forward of prior year budget authority	0	0	−500.0	−168.5	−500.0	−168.5
Total DOD	125,566.5	115,200.0	+2,621.7	+435.6	128,188.3	115,635.6
Total defense function	128,439.2	117,779.2	+2,629.2	+441.2	131,068.4	118,220.4

CONSIDERATION OF THE PROPOSAL OF THE SECRETARY OF THE NAVY TO MODIFY A SHIPBUILDING CONTRACT WITH LITTON SYSTEMS, INC. PURSUANT TO THE AUTHORITY OF PUBLIC LAW 85–804

On January 18, 1978, the Honorable W. Graham Clayton, Jr. Secretary of the Navy, notified the committee of his intention to invoke the provisions of Public Law 85–804 in order to make a narrow and limited amendment to a Navy contract with the Ingalls Shipbuilding Division of Litton Systems, Inc., for the construction of LHA class ships. The contract amendment would reduce Navy provisional payments from 91 percent of costs, as imposed by a court order to 75 percent of such costs.

Public Law 85–804 required the Secretary's proposal to lie before the Committee on Armed Services for 60 legislative days. Following a staff investigation of the proposal, and an investigation by the General Accounting Office, the committee held a hearing on the proposal on March 7, 1978, at which time testimony was received from the Secretary of the Navy; the Honorable Edward Hidalgo, Assistant Secretary of the Navy for Manpower, Reserve Affairs and Logistics; and Mr. Richard W. Gutman, Director of Procurement and Systems Acquisition Division, General Accounting Office.

After expiration of the statutory period of 60 legislative days, on April 9, 1978, neither the House of Representatives nor the Senate having passed a resolution disapproving the proposal, the contract modification became effective.

Discussion With Visiting Representatives of Foreign Governments

MEETING WITH MEMBERS OF DEFENCE COOPERATION SUBCOMMITTEE OF MILITARY COMMITTEE OF NORTH ATLANTIC ASSEMBLY

On January 24, 1978, the committee met with representatives of the Defence Cooperation Subcommittee of the Military Committee of the North Atlantic Assembly for an exchange of views on the NATO Alliance.

Mr. Patrick Wall of the United Kingdom led the North Atlantic Assembly delegation and emphasized in his statements the need to increase NATO cooperation on weapon systems. The major portion of the meeting was spent discussing the subject of increasing alliance weapon system standardization and interoperability. Mr. Wall also stated that European countries believe the cruise missile is important and he hoped the Strategic Arms Limitation Talks (SALT) would not prevent Europe from receiving American technology for cruise missiles.

In addition to discussing NATO conventional arms cooperation and the cruise missile, comments were also made on the neutron bomb. Mr. DeBroer of the Netherlands stated that the subject of nuclear arms is a difficult one in Europe and tends to sometimes dilute support for defense efforts. The European people would like to believe that nuclear weapons would never be used to perform other than strategic as opposed to tactical missions. Mr. Wall, however, stated that no single European view of the neutron bomb issue could be given because European nations viewed the subject differently.

The Chairman, in his statement welcoming the delegation, announced his intent to request that the committee establish a Special Subcommittee on NATO Standardization, Interoperability and Readiness. (The work of that subcommittee is discussed further in this report.)

Committee Delegations and Panels

DELEGATION VISIT TO MIDDLE EAST AND AFRICA

During the period November 6–22, 1977, a nine-member committee delegation led by Chairman Melvin Price visited Israel, Egypt, Iran, Somalia, Zambia, Zaire, Kenya and Ivory Coast.

In the Middle East, the delegation sought to update the committee's assessment of the military balance; to assess the potential of war in that region and the prospects of moving toward a peaceful solution to contemporary problems; and to review the impact of current U.S. arms sales policies.

The delegation's objectives in Africa were to gain information on the military conflict in the Horn of Africa and the effect of Soviet policy in that region; to discuss with African leaders their views on the possibility of conflict avoidance in other troubled areas of Africa; and to assess the impact of Soviet influence in Africa and its implications for long-term U.S. policy.

In Israel, the delegation met with various ministers of the Cabinet and several members of the Knesset. The highlight of the visit was a comprehensive discussion of the Middle East situation with Prime Minister Menachem Begin. The lengthy discussion concerning Israeli military perspective culminated in Prime Minister Begin's request to Chairman Price to deliver a message to Egyptian President Anwar Sadat, with whom the delegation was scheduled to meet on November 12, that the Government of Israel would extend a warm welcome to President Sadat in Jerusalem in order to initiate talks to bring peace to the Middle East. The delegation's visit to Jerusalem occurred the day after Mr. Sadat's initial announcement that he was willing to visit Israel.

Mr. Begin's message was delivered to Mr. Sadat, who indicated he was prepared to go to Jerusalem whenever he received an official invitation. Shortly after the delegation's visit to Egypt, an official invitation from Israel for Mr. Sadat's visit to Jerusalem was delivered, using the good offices of the American Embassy. It appeared that the delegation's meeting, which was extensively covered by the press, provided an opportunity for Mr. Sadat to emphasize the sincerity of his offer.

The delegation concluded, in analyzing the military balance, that the military capability of Israel appeared to be superior to that of the Arab confrontation states at that time and would be likely to remain so for the immediate future.

The delegation's report reviewed the military situation in the Horn of Africa, where at that time the war raged in the Ogaden region between Somalia and Ethiopia. The delegation met with the President of Somalia, Siad Barre.

The delegation reported that most observers' questions expressed the belief that time was on the side of the Ethiopians in the Ogaden conflict because of their overwhelming population advantage and the massive supply of military equipment from the Soviet Union. The delegation report stated that given adequate time for training in the use of Soviet equipment, training aided by the growing number of Cuban advisors, an eventual counter offensive by the Ethiopians could be expected. This surmise has proven to be correct.

In the delegation meetings with key government officials in Kenya Zambia, Zaire, and the Ivory Coast the theme of majority rule in Africa was continually repeated with emphasis on Rhodesia, South Africa, and Namibia. African leaders spoke with passion of their hatred of apartheid and make it clear that their support would be thrown to the nations which provided assistance in the attainment of independence and majority rule.

The delegation completed its report on a pessimistic note regarding the possibility of reducing the foreign flow of arms into the African continent. The delegation found little prospect for reducing the arms build-up as long as the Soviet and Cuban flow of war materials continued and as long as those countries continued their policies of encouraging change by violent means.

The delegation's report was printed as H.A.S.C. No. 95-51.

DELEGATION VISITS TO THE SOVIET UNION AND GENEVA (SALT II)

A delegation consisting of the Chairman and 16 members of the committee visited the Soviet Union and the Strategic Arms Limitation Talks in Geneva, Switzerland, during the period March 23 through April 2, 1978.

The delegation was the first group representing the Committee on Armed Services to visit the Soviet Union, and the first such group to be received by the Ministry of Defense of the Soviet Union.

In meetings with officials of the Soviet Union, members of the delegation participated in a frank exchange of views with respect to the balance of military forces; Soviet and Cuban activities in Africa; Soviet attitudes toward various arms control negotiations, including SALT II, a comprehensive test ban treaty (CTBT) and mutual and balanced force reductions (MBFR) in Central Europe.

The delegation gained an insight into Soviet perceptions of NATO and, in turn, sought to convey the concerns of Congress with respect to the continuing buildup of Soviet military forces. The members also attempted to provide Soviet officials with a basis for a better understanding of the U.S. defense decisionmaking process and the constitutional responsibilities of Congress in that area.

In Geneva, the delegation met formally with the U.S. SALT II negotiating team and informally with both U.S. and Soviet negotiators.

The report of the delegation is on file with the committee.

DELEGATION VISIT TO THE FAR EAST

A committee delegation visited the Far East during the period of November 9–23, 1978, primarily to represent the U.S. Congress at the first U.S.-Japanese Interlegislative Symposium in Tokyo. The delegation participation was in response to a personal invitation from the Prime Minister of Japan.

After an opening plenary session of the symposium, the delegation met with members of Japan's ruling Liberal Democratic Party in formal sessions of the Interlegislative Symposium's subcommittee on Security Issues in Northeast Asia. To ensure exposure to the broad spectrum of political views on defense in Japan, the committee met separately with members of Komeito, Menseito (social democrats) and the New Liberal Club, opposition parties in the Diet. Members of the Communist and Japan Socialist Party declined to meet with the delegation.

In addition to its meetings with Diet leaders, the delegation discussed defense issues with representatives of Japan's leading defense industries, the Keidanren.

Through the series of discussions in Japan, the delegation stressed the basic theme that Japan should begin to assume a greater role in the maintenance of peace and stability in East and Northeast Asia through an increase in its defense posture.

In the Republic of China (R.O.C.), had extended discussions and frank question-and-answer periods with President Chiang Ching-Kuo, Premier Sun Yun-Hsuan, Foreign Minister Shen C.H'Ang, Defense Minister Kao K'uei-Yuan and Chief of the General Staff Admiral Sung Ch'and-Ching. These discussions dealt with the strategic importance of Taiwan and the future security needs of the Republic of China. The delegation also visited key military and industrial facilities in Taiwan.

In the Republic of Korea (R.O.K.), the delegation met with President Park Chung-Hee, Prime Minister Choi Kyu Hah, Foreign Minister Park Tong Jin and Defense Minister Ro Jae-Hyun to discuss regional security issues with particular emphasis on the military balance on the Korean Peninsula.

In addition, the delegation received briefings at the demilitarized zone and inspected a tunnel under the DMZ recently discovered by R.O.K. forces. The members also inspected a modern industrial complex the Republic of Korea is developing as part of the long-range plan for R.O.K. self-sufficiency in Defense.

Members of the delegation also participated in a workshop on security and strategic issues in Northeast Asia co-sponsored by the Asiatic Research Center of Korea University and the Center for Strategic and International Studies of Georgetown University.

FULL-COMMITTEE PANEL ON NAVAL TRAINING ACTIVITY, VIEQUES, PUERTO RICO

On October 5, 1978, Chairman Price appointed a full-committee panel to review the status of, and future requirements for, Navy training activities on the Island of Vieques, Puerto Rico. Several suits have been brought against the Navy to stop training on the island. The Federal District Court, San Juan, Puerto Rico, is presently hearing these cases.

In view of the active litigation and the congressional adjournment on October 15, 1978, the panel concentrated on a review of the Vieques problems at the staff level for consideration by the committee at a later date.

OTHER ACTIVITIES OF LEGISLATIVE SUBCOMMITTEES

Intelligence and Military Application of Nuclear Energy Subcommittee

Under the rules adopted by the committee, the Subcommittee on Intelligence and Military Application of Nuclear Energy was assigned oversight responsibilities for international arms control and disarmament. On May 4, 1978, Chairman Price established subcommittee panels to assist in carrying out the responsibilities of reviewing and studying, on a continuing basis, all laws, programs and government activities dealing with or involving international arms control and disarmament. Three panels were designated as follows: The Panel on the Strategic Arms Limitation Talks (SALT II) and the Comprehensive Test Ban Treaty (CTBT); the Panel on Mutual and Balanced

Force Reduction (MBFR) Negotiations; and the Panel on Indian Ocean Forces Limitation and Conventional Arms Transfer Limitation.

STRATEGIC ARMS LIMITATION TALKS (SALT II) AND COMPREHENSIVE TEST BAN TREATY (CTBT) PANEL

The subcommittee, on March 15 and 16, 1978, and the Panel on Strategic Arms Limitation Talks (SALT II) and Comprehensive Test Ban Treaty (CTBT), on August 14 and 15, held hearings on current negotiations and the effects of a comprehensive test ban treaty on U.S. national security interests. Bilateral SALT negotiations between the United States and the Soviet Union have been in progress since March 1977. Trilateral CTBT negotiations between the United States, the United Kingdom and the Soviet Union have been underway in Geneva since mid-1977. The subcommittee reviewed the CTBT negotiations in February 1978 during its Department of Energy defense programs authorization. In addition, the Panel on the Strategic Arms Limitation Talks and Comprehensive Test Ban Treaty thoroughly reviewed these important negotiations and the tentative agreements which have been reached to date.

In a report to the subcommittee (HASC 95-90), the panel concluded that the military risks of a Comprehensive Test Ban Treaty which permitted no testing for a period of years would be unacceptable, and that weapons reliability problems could be expected to occur which would require testing for their correction. In addition to serious verification problems, the panel found that continued nuclear weapons testing is necessary if the Administration's stated strategic and nonstrategic military policies are to be carried out.

Based on a review of all testimony received by the Committee on Armed Services, and the visits to SALT II negotiations in Geneva, Switzerland, the panel issued a report to the subcommittee entitled "SALT II: An Interim Assessment." In that report the panel found that SALT II, as presently structured, fails to meet the criteria of the Administration or of the Congress for a sound arms control agreement in that it would fail to enhance U.S. security. The panel urged the Administration to initiate strategic programs which will prevent existing and emerging Soviet threats from upsetting the strategic balance of power, noting that such initiatives will be required with or without a SALT II agreement. The panel also noted that SALT II would restrict several U.S. strategic options, but would leave most Soviet systems, including the Backfire bomber, intact.

MUTUAL AND BALANCE FORCE REDUCTION (MBFR) PANEL

In order to clarify the current status of the Mutual and Balanced Force Reduction (MBFR) negotiations underway in Vienna, between the NATO nations and the Warsaw Pact, the panel held a series of formal and informal briefings on the subject. In addition to receiving a briefing from the U.S. Ambassador to these negotiations, Hon. Stanley R. Resor, the panel received formal briefings from representatives of the Central Intelligence Agency and the U.S. Arms Control and Disarmament Agency.

A status report on the MBFR negotiations to date is in preparation by the panel.

INDIAN OCEAN FORCES LIMITATION AND CONVENTIONAL ARMS TRANSFER LIMITATION PANEL

The Panel on the Indian Ocean Forces Limitation and Conventional Arms Transfer Limitation held two days of hearings to review the present state of U.S. proposals for limiting forces in the Indian Ocean and for limiting conventional arms transfers; the projected timetable for negotiations; the major security implications of these negotiations; and the procedures for developing negotiating positions and obtaining information and analysis within the Executive Branch.

Principal witnesses at the hearings, which were held on October 3 and October 10, 1978, were Dr. Leslie Gelb, Director, Politico-Military Affairs, Department of State; Brig. Gen. Jams M. Thompson, of the Office of the Assistant Secretary of Defense, International Security Affairs; and Brig. Gen. Irwin Graham of the Joint Staff.

Te panel report on the status of the arms transfer and Indian Ocean force limitation negotiations is in preparation and will be filed with the subcommittee.

INVESTIGATION SUBCOMMITTEE

In fulfilling investigative and oversight responsibilities, the Investigations Subcommittee has under continuous study selected activities of the Department of Defense and a wide range of subjects brought to its attention by a number of sources, including Members of Congress, the General Accounting Office and concerned citizens. In addition, the subcommittee responded to inquiries by Members of Congress who request assistance in matters within the scope of the subcommittee's jurisdiction.

During the period January 1977 through December 1978, the subcommittee investigated 163 cases and examined 171 reports of the General Accounting Office falling under the purview of the subcommittee's responsibility. Most of this casework was resolved without the requirement for hearings or formal reports. However, during the 95th Congress, the subcommittee conducted hearings on 9 subjects: The Uniformed Services University of the Health Sciences; the proposed withdrawal of U.S. ground forces from Korea; phantom-recruit allegations; nonappropriated-fund activities; the status of the Army's XM-1 tank program; the sale and destruction of M-1 rifles and carbines; drug abuse in the military; the reorganization order which would have abolished the position of Assistant Secretary of Defense for Health Affairs; and the Department of Defense decision-making process.

Legislative actions of the subcommittee will be found in other sections of this report.

The studies which warranted full-scale examination, hearings and reports are discussed below:

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Secretary of Defense Harold Brown, on February 22, 1977, announced that the Uniformed Services University of the Health Sciences would be closed, since in his view the physician needs of the armed services could be satisfied more economically by direct recruitment or through the Armed Forces Health Professions Scholarship Program.

After several days of hearings, the subcommittee concluded that the Secretary's decision had been based on a questionable economic analysis, which assumed that the armed services could recruit 1,000 volunteer doctors annually, a goal which they have never succeeded in reaching. The subcommittee further concluded that the medical school is essential, since it will provide the military services with a nucleus of physicians with special training in military medicine who can be expected to average 16 years of military service—more than twice the active-duty period which can be expected from doctors educated in the scholarship program. The subcommittee recommended continuance of the university. It further recommended that in evaluating health-care programs, the Secretary should give paramount consideration to the impact of his actions on the quality of that care and should consult with the surgeons general of the military departments before taking any action to terminate or modify those programs.

Although not requested by the Administration in the fiscal year 1978 budget submission, funds for the university to operate in fiscal year 1978 were included in the fiscal year 1977 supplemental appropriations bill (Public Law 95-26). Similarly, funding was included in the fiscal year 1979 appropriations legislation (Public Law 95-457).

Evidently, the Department of Defense has abandoned plans to close the university.

ARMY XM-1 TANK PRORGRAM

In the 94th Congress the House Armed Services Committee held hearings on the implications of the Secretary of Defense's decision to delay contract award for the XM-1 tank in order to receive new bids incorporating equipment that would be interoperable with the West German Leopard II tank.

On the basis of evidence presented during those hearings, the committee, on September 28, 1976, adopted a resolution informing the Secretary of Defense it opposed further delays in the XM-1 program and would not support the adoption of any 120-millimeter gun for the XM-1 unless the gun recommended had been properly tested and clearly demonstrated superior combat effectiveness over the 105-millimeter gun.

Against this background, the Investigations Subcommittee conducted hearings on March 25 and 28, 1977, to determine the current status of the XM-1 program, with regard to the progress of the full-scale development contract and plans for the forthcoming gun tests.

In February and early March 1977 the news media had reported that members of the German Bundestag had charged the United States with having reneged on an agreement to select the German gun for the XM-1. Charges were also reported that the tests between the XM-1 tank and the German Leopard II were improperly managed and results unfairly weighted against the German tank.

Findings and conclusions of the subcommittee

1. The United States violated none of its agreements with the Federal Republic of Germany when it deferred a decision of the main armament for its XM-1.

2. There was never any commitment by either the United States or the Federal Republic of Germany to procure the tank of the other nation if that tank demonstrated superiority in the evaluation.

3. No unfairness or "rigging" in favor of U.S. competitors was found to have occurred in the U.S. Army's evaluation of the Leopard II which took place at Aberdeen Proving Ground in the fall of 1976. All test criteria were applied in the same manner to the Leopard as they had been applied to the competing XM–1 candidates.

4. The Leopard exceeded the performance of the XM–1 in some of the evaluation criteria. Overall, however, it failed to meet a significant number of the U.S. Army requirements which had been satisfied or exceeded by the XM–1.

5. The Leopard II pilot vehicle tested by the U.S. Army during this evaluation did not actually contain special armor. That fact had not been disclosed in advance of the testing by the Federal Republic of Germany. Had the Leopard II contained the special armor, its weight, including a 120-millimeter gun, would have been more than 64 tons—6 tons in excess of the U.S. requirement.

6. Trilateral gun testing carried out in the fall of 1976 by the United States, the Federal Republic of Germany and Great Britain established that the 105-millimeter tank gun is more than adequate against all tanks on the battlefield today. Both the British and German 120-millimeter guns penetrated targets representative of the current threat at greater ranges than did the 105-millimeter gun. However, the ranges at which the 105-millimeter failed to penetrate were reported by the U.S. Army to be beyond the normal engagement ranges anticipated for a European war.

7. Shortly after award of the engineering development contract for the XM–1, the Army began negotiating with the contractor for a $29.6 million addition to the basic contract to provide additional testing for its turbine engine.

8. Additional testing of the turbine engine in the XM–1 ordered by the Army subsequent to the award of the development contract to Chrysler appears to suggest a degree of concern about the readiness of that engine for installation in the XM–1 in excess of what the Army professed at the time of the initial contract award. In addition, such an award appears to the subcommittee to nullify the significance of the initial bid on which the original XM–1 contract was awarded.

9. Installation of the existing and available ruby laser rangefinder on new production models of the M60A3 is regarded as an essential product improvement. A lasing capability for the M–60 should not be delayed until the neodymium YAG laser technology scheduled for use on the XM–1 becomes available.

ARMY REPROGRAMING REQUEST ON 120MM GUN FOR THE XM–1 TANK

On January 31, 1978, the U.S. Army announced its selection of the German 120mm smoothbore gun as the future main armament for the XM–1 tank. The Army simultaneously submitted a reprogramming request for the funds required to initiate the multi-year research and development program necessary to adapt the gun to the XM–1 tank and to complete work on modern technology ammunition.

During April and May, 1978, the Investigations Subcommittee held a series of hearings on the reprograming request and for the broader purpose of establishing a record on the Army's decision to adopt the 120mm smoothbore gun. Prior to that decision, the House Armed Services Committee had specifically outlined the conditions which had to be met before the committee would support or authorize any commitment to the 120mm gun. The essence of those conditions was that: (1) nothing should interfere with the deployment of the XM-1 in largest possible numbers at the earliest possible date, and (2) the selection of a 120mm gun could not be justified on political grounds; it would have to demonstrate superior combat effectiveness over the present 105mm gun and its future improved ammunition.

Following receipt of a report on the findings and conclusions of the Investigations Subcommittee, the full committee notified the Secretary of Defense of its conditional approval of the reprogramming request as follows:

MAY 26, 1978

Hon. HAROLD BROWN,
Secretary of Defense,
Department of Defense,
Washington, D.C.

DEAR MR. SECRETARY: The Committee on Armed Services approves Army prior approval reprogramming request No. 78-14 for $10.9 million to initiate research and development on the 120mm tank gun, subject to the following conditions:

1. Committee approval of the reprogramming request constitutes approval only for initiation of a limited research and development program. It implies no approval of the complete program proposed by the Army.

2. Committee approval is also contingent upon implementation of XM-1 production in accordance with the schedule endorsed by OSD to field 7,058 XM-1 tanks by 1987. XM-1 production with the 105 mm gun must not be slowed or delayed because of a separate, parallel program to develop the 120 mm gun.

3. The committee does not support the establishment of a fixed target date for fielding an XM-1 with a 120 mm gun. Given the uncertainties outlined above, the establishment of a fixed target date at this time would be premature.

4. Before the committee can approve additional funding for the Army and OSD must demonstrate the degree to which the program is being funded in addition to rather than at the expense of other Army programs previously approved.

5. Paralleling the 120 mm program, the committee expects the Army to conduct a vigorous program to exploit the full growth potential of the 105 mm gun system demonstrated in the 1977 trials. In the judgment of the committee, this program has greater impact on NATO readiness capabilities and is of higher priority than the 120mm development program because of the large number of 105 mm tanks in the NATO inventory.

6. Before the committee will approve additional funding, the licensing agreement with the FRG manufacturer must be concluded and its details conveyed to the committee. The committee believes there should be no provisions in the licensing agreeent which would restrict the ability of the U.S. to sell or coproduce a complete XM-1 tank and gun to any NATO country.

7. The committee will not support or fund a gun program where work on the gun breach is contracted out while an in-house capability to manufacture it exists.

8. The committee questions the proposed development of an Americanized version of the German production round as interim ammunition for the 120 mm gun. The only way in which the 120 mm program can be justified is that it will provide significantly greater capability than is achievable with the 105 mm gun it will replace. The 105 mm growth round has already demonstrated that it will be fa more effective against advanced armor targets than the interim 120 mm ground the Army proposes to develop. The committee can se no logic in spending $500 million to field a system less capable than the one it replaces. The committee directs that the Army review the decision to initiate an ammunition development program and inform the committee as to the results of the review prior to the expenditures of any funds for ammunition development.

Sincerely,

Melvin Price, *Chairman.*

As of the end of 1978. the Army had not submitted a final repor to the committee on its efforts to comply with the conditions of approval enumerated above.

PHANTOM--RECRUIT INQUIRY

In April 1977 a sergeant attached to the Albany. N.Y. District Recruiting Command Office presented to the subcommittee chairma detailed documentation of a scheme by which the recruiting accomplishments of that office had been inflated. After a staff inquiry verified the allegations that 20 phantom recruits had been reported by th Albany District Recruiting Command, the subcommittee hel hearings.

The phantom-recruit scheme had been reported to the U.S. Arm Recruiting Command and the Northeastern Regional Recruiting Command, as well as the Inspector General of the Army, in March 197 The subcommittee found that the U.S. Army Recruiting Comman at all levels, appeared to devote a minimum of attention to the investigation of the allegation. The Recruiting Command's handling of th complaint suggests that, if the subcommittee had not intervened an scheduled public hearings no definitive action would have been take

The subcommittee found that the Recruiting Command resorte to other numbers games in order to give the appearance of satisfyin recruiting demands for the all-volunteer Army. One of those scheme which had been approved by the Secretary of the Army, resulted i bringing 3,000 recruits on duty several months before they wer scheduled to report. The result was that training and school faciliti were not available and many of those recruits sat around Army bas for months in a pay status with nothing to do.

The subcommittee recommended that the Secretary of the Arm examine the negligent manner in which the phantom-recruit allegation was investigated. It also recommended that all investigations alleged improprieties should be conducted by personnel who are independent of the command under investigation. A detailed examinati of all other elements of the Recruiting Command to determine wheth similar juggling of enlistment statistics is occurring was also recommended by the subcommittee.

PROPOSAL TO ABOLISH THE POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS

On February 7, 1978, the Secretary of Defense submitted to the Congress a Reorganization Order pursuant to section 125(a) of title 10, United States Code. That Reorganization Order proposed elimination of the position of Assistant Secretary of Defense for Health Affairs and 7 other positions in the Department of Defense. The Defense Secretary proposed that the functions of the Assistant Secretary for Health Affairs would be assigned to the Assistant Secretary of Defense for Manpower, Reserve Affairs and Logistics.

Since the medical services of the military departments have experienced a myriad of problems, including an inability to attract a sufficient number of physicians for active duty, the subcommittee conducted a hearing to determine whether the proposed reorganization would adversely impact on medical care of the armed forces. As a result of the testimony at the hearings on March 3, 1978, the subcommittee unanimously approved a motion instructing the chairman to introduce a resolution to disapprove the Reorganization Order. House Resolution 1061 disapproving the reorganization proposal was introduced by the chairman on March 6, 1978.

On March 7, 1978, the Secretary of Defense submitted to the Congress a new Reorganization Order which made no mention of the Assistant Secretary of Defense for Health Affairs. There was no objection to the new Reorganization Order in either House of Congress.

PROPOSED DEMILITARIZATION OF M-1 RIFLES

In early 1978 the Department of the Army announced that approximately 300,000 excess M-1 rifles were to be transferred to the Defense Logistics Agency for demilitarization and sale. The Defense Logistics Agency had issued an invitation for bid and was about to award a contract when many congressional offices requested the committee to examine the proposed destruction and sale of the World War II rifles.

After a hearing on March 17, the subcommittee made the following recommendations to the Secretary of the Army:

1. That surplus automatic weapons be demilitarized.
2. That the M-1 rifles and M-1 carbines not be demilitarized but preserved in storage.
3. That the quantity of M-1 rifles offered for sale to the public in 1978 be increased to at least 2,600.
4. That the requirement that applicants to purchase surplus rifles must have established a marksman status in competition shooting be eliminated.
5. That the price at which M-1 rifles are sold by the United States be increased to approximately the prevailing market price.
6. That after a 2-year period during which these recommendations are in effect, the National Board for the Promotion of Rifle Practice report to the subcommittee. If the Board's experience in operating pursuant to these recommendations had been satisfactory, the removal of all limitations on the number of rifles to be sold could then be considered.

On July 10, Secretary of the Army Clifford Alexander informed the chairman of his decision. He said the M-1 rifles and M-1 carbines would not be demilitarized, but retained for use by the ROTC, veterans' organizations, the Director of Civilian Marksmanship Sales Program, and for contingencies. The number of rifles to be offered for sale in 1978 was fixed at 1,200, while the number for subsequent years was fixed at 600. The Secretary also decided that the qualifications for purchase of surplus weapons, and the price would remain unchanged. He said that instead of destroying surplus automatic weapons, they would be retained for contingency purposes and potential foreign military sales.

POLICY DECISION TO WITHDRAW U.S. GROUND FORCES FROM KOREA

In May 1977 the subcommittee held preliminary hearings on the President's announced policy decision to withdraw U.S. ground forces from the Republic of Korea over the next five years. The subcommittee received testimony from Maj. Gen. John K. Singlaub, former Chief of Staff, United Nations Command, Korea, who had been recalled by the President.

In June and July 1977 the full committee conducted hearings to examine the proposed withdrawal policy, receiving briefings from the Defense Intelligence Agency and taking testimony from Adm. Stanfield Turner, Director of Central Intelligence; Gen. George S. Brown, Chairman of the Joint Chiefs of Staff; and Gen. Bernard Rogers, Chief of Staff of the U.S. Army.

At the direction of the chairman of the full committee, the subcommittee continued the policy review, hearing from a number of academic experts on the Korean situation, as well as from Gen. Richard Stilwell, U.S. Army (retired), former Commander, United Nations Command, Korea.

After hearings in Korea and discussions with United States civilian and military representatives, and the civilian and military leaders in the Republic of Korea, Japan, the Republic of China, and the Republic of the Philippines, the subcommittee recommended the following:

1. That Korean armed forces be modernized to increase their capability to assume a greater share of their defensive responsibility.

2. That no U.S. ground forces be withdrawn without transfer to Republic of Korea (ROK) forces of the appropriate compensatory equipment necessary to maintain continued deterence and to protect the remaining U.S. forces.

3. That the withdrawal of 6,000 U.S. troops scheduled for 1978 be contingent upon congressional authorization for transfer of their combat equipment to ROK forces.

4. That any further withdrawal of U.S. troops be contingent upon (a) a certification from the U.S. Commander in Korea that the combat capability of the remaining U.S./ROK forces would not be degraded by the action; (b) a report from the President to the Congress on the military balance in Korea and the steps taken to achieve a political settlement of the Korean war; and (c) congressional concurrence in the withdrawal and approval of corresponding "compensatory actions."

5. That a basic U.S. ground combat force be retained in Korea until the armistice is superseded by a formal peace settlement.

6. That the President direct the Secretary of State to initiate prompt action looking toward achievement of such a peaceful settlement of the Korean war

[Note.—The full committee, by a vote of 24 to 12, adopted an amendment to the initial fiscal year 1979 Department of Defense authorization bill, H.R. 1029, to limit withdrawal of U.S. forces from Korea. That amendment, Section 10929, to limit withdrawal of U.S. forces from Korea. That amendment, Section 805 of the bill, would have prohibited withdrawal of ground combat units until legislation is enacted authorizing the President to retain their equipment in Korea. Also, it would have prohibited a reduction in strength of ground combat units below 26,000 troops until a peace settlement is reached between the Republic of Korea and the Democratic Peoples' Republic of Korea.

[During the House consideration of H.R. 10929, a point of order to that section, on the ground of germaneness, was sustained.]

DRUG ABUSE BY MILITARY PERSONNEL AND MANAGEMENT OF THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR HEALTH AFFAIRS

On August 15, and September 26, 1978, the subcommittee held hearings on the problem of drug abuse by military personnel. The hearings revealed that, despite the increasing seriousness of drug abuse by members of the armed services, the Department of Defense had only a minimal staff working on the problem. The hearings further revealed that the former Assistant Secretary of Defense for Health Affairs had never been consulted by the Secretary of Defense concerning the drug abuse problem. The hearings were expanded to examine the management of the Health Affairs office and the proposal of the Secretary of Defense to subordinate that office to the Assistant Secretary for Manpower, Reserve Affairs and Logistics.

The subcommittee's inquiry into these matters will be continued in the 96th Congress.

DEPARTMENT OF DEFENSE DECISIONMAKING PROCESS

At the direction of Chairman Price, the Investigations Subcommittee, on October 3, 1978, commenced an oversight inquiry into the national decisionmaking process as it relates to matters of national defense.

That inquiry will include an examination of the operation of the Department of Defense, the Joint Chiefs of Staff, the National Security Council, the Office of Management and Budget, and other agencies of the executive branch in the formulation of national defense policies. The subcommittee will examine the processes by which the decisions are developed, the role of the Joint Chiefs of Staff in those processes, and the manner in which the military judgment of the Joint Chiefs are presented to the President, the Secretary of Defense and the National Security Council.

In hearings before the adjournment of the 95th Congress, the subcommittee received testimony from Secretary of Defense Harold Brown; Assistant Secretary of Defense for Program Analysis and Evaluation Russell Murray; and Adm. Thomas Moorer, USN (Ret.), former Chairman of the Joint Chiefs of Staff.

In the 96th Congress, the subcommittee plans to hear from both civilian and military officials who are currently involved in the defense decisionmaking process, and from nongovernment witnesses as well.

NONAPPROPRIATED FUND PANEL HEARINGS AND STUDIES

The Nonappropriated Fund Panel of the Investigations Subcommittee held hearings in September and October 1977 regarding the Department of Defense Morale, Welfare and Recreation program (MWR) and the military services worldwide club systems.

The initial hearings held in September 1977 concentrated on the scope of MWR programs and activities, including insights into management and continuing improvements realized since the last hearing. The October 1977 hearings on the military service worldwide club systems placed special emphasis on investment programs, procurement and sales of alcoholic beverages, financial integrity of operations, and problems related to the growing number of unprofitable club activities.

As a result of these hearings, the panel chairman requested that the General Accounting Office (GAO) undertake a comprehensive review of the military club systems to determine what courses of action are needed to reduce overall program costs, the feasibility of eliminating or consolidating activities with low utilization, reducing operating hours or services where warranted, and establishing realistic pricing policies to ensure financial stability. The GAO report is scheduled to be completed in January 1979.

The panel also reviewed the policy and practices of the military services regarding the use of credit cards to purchase liquor. As a result of this review, the Department of the Navy is initiating changes in its liquor sales practices.

In October 1977 the panel completed its preliminary analysis of Military General Welfare and Recreation Fund Category III Activities (this category includes funds for libraries, sports and athletics, arts and crafts, dependent youth activities, childcare, golf, bowling, motion pictures and entertainment, and recreation centers). This analysis identified problems related to the allocation of both appropriated and nonappropriated funds and active-duty personnel assigned to these activities. This analysis has resulted in a comprehensive plan of action to evaluate the effectiveness of recreational activities at the base level.

The panel completed an investigation of alleged black-marketing operations of liquor in Japan and the Republic of Korea in February 1978. The investigation disclosed no large-scale black marketing of liquor by U.S. forces in Japan.

In July 1977 the U.S. Forces Japan jointly issued directives controlling and restricting the quantities (entitlements) of liquor and cigarettes which may be purchased monthly. The panel found that established monthly entitlements of 24 quarts of liquor and 1,800 packs of cigarettes per accompanied members were excessive and could be reduced without restricting legitimate buyers. The liquor entitlement was 3 times that of Korea's and 2.4 times higher than Europe's; whereas, the cigarette entitlement was 15 times that of Korea's and 80 times higher than that of Germany. The panel also observed that the present ration control system was not an effective mechanism for controlling, monitoring, and reporting violations on a multi-service-wide basis.

The Commander, U.S. Forces Japan, initiated appropriate steps to reduce liquor and cigarette entitlements and also to improve the ration control system.

The investigation of black-marketing activities in the Republic of Korea showed that some form of ration control has existed in Korea for about 20 years. The U.S. Army readily recognizes the existence of organized black-marketing activities and has promulgated regulations and instructions to restrict and control the purchase of many items sold in resale activities.

The panel determined, from its investigation, that there are a number of problem areas which must be improved to curtail blackmarketing activities in Korea. These improvements generally fall into the categories of management, enforcement and administrative procedures. According to the Commander, U.S. Forces Korea, significant steps have been taken in these areas which hopefully will result in improved control over all phases of resale activities.

In November 1977 the panel conducted an investigation of the need for continued appropriated fund support for the Hale Koa Hotel, Hawaii. The hotel, whose mission is to provide the service men and women, both active and retired, with a first-class recreational facility at prices they can afford, was constructed from nonappropriated funds at no cost to the taxpayer. The Hale Koa has received appropriated fund support from its inception. The panel, in analyzing the support in terms of the number of rooms and occupancy for fiscal year 1977, showed that each of the 416 rooms received appropriated fund support amounting to about $8.76 per day, or $3,197 per year.

The panel found that, in spite of the fact that the Hale Koa enjoys one of the highest occupancy rates (99 percent) of any hotel on Waikiki Beach, the hotel continues to rely heavily on appropriated support and interest-free nonappropriated fund loans; retired personnel and other non-active-duty patrons comprise 46.4 percent of occupancy levels and receive about $167,494 in appropriated benefits; the hotel realized a net profit in only 1 year which totaled $199,985 and represents only 2.7 percent of total sales revenue in excess of $7 million; and, the personnel turnover rate approaches 100 percent. As a result of the investigation, the panel recommended that the Army Audit Agency conduct an indepth study of the hotel's management and operation.

On December 18, 1978, the Investigations Subcommittee held a hearing to review the Army Audit Agency report of its findings and recommendations of the operation and management of the Hale Koa Hotel, Fort DeRussy, Hawaii. Testimony was received from the Acting Auditor General; the Commanding General, U.S. Army Support Command, Hawaii; and The Adjutant General, U.S. Army.

The hearings identified 7 specific areas where possible improvements could be made. The subcommittee expressed its concern over the use of appropriated funds to support a nonappropriated fund activity which has operated at a 98 percent occupancy since its opening day and is used primarily by retired personnel rather than active-duty personnel and their dependents. Witnesses testified that efforts are under way to reduce, where possible, the appropriated fund support and encourage more participation by active-duty personnel. The subcommittee has in preparation a further report on the Hale Koa Hotel.

Research and Development Subcommittee

CLOSE AIR SUPPORT

In May 1977 the Research and Development Subcommittee commenced a review of the Department of Defense's close air support mission requirements, with primary emphasis on the NATO/Warsaw Pact environment and the responsiveness of the Department's research and development programs in addressing these requirements.

Representatives from the Army and the Air Force discussed with the subcommittee the current and projected threat facing the NATO forces and the prospects for conducting close air support and air defense suppression in face of the massive buildup of the Soviet/Warsaw Pact surface-to-air missile threat.

During the period of May 26 through June 6, 1977, the subcommittee traveled to Europe and Israel to hold briefings with NATO and Israeli forces. The briefings focused not only on the roles and missions aspects of close air support, but also on the capability of present aircraft and ordnance to conduct the mission.

Several problems were highlighted in the area of command, control and communications, air defense suppression, electronic warfare, all-weather and night capability and chemical warfare. Discussions with representatives of the Israeli Air Force touched on the lessons learned in close air support during the Yom Kippur war and the prospects for carrying out the close air support and battlefield interdiction missions in future postulated Middle East scenarios.

OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULARS A-76 AND A-109

During the 95th Congress, the Research and Development Subcommittee held hearings on Office of Management and Budget (OMB) Circulars A-76 and A-109. Circular A-76 sets forth the executive branch policy that all agencies will rely primarily on private industry to supply goods and services where feasible and practicable. Circular A-109 states policies to be used by the government for the acquisition of major systems.

The subcommittee held 5 days of hearings on Circular A-76. Testimony was received from Mr. Lester A. Fetting, Administrator, Office of Federal Procurement Policy, Office of Management and Budget Department of Defense officials; and witnesses representing the U.S Chamber of Commerce and the National Federation of Federa Employees.

The subcommittee, as a result of its review, was unable to determin whether modifications to existing regulations are necessary for th Department of Defense's implementation of the policy or what th impact on the operation of the Defense Department would be becaus no substantive data was provided by Administration witnesses.

Therefore, the subcommittee recommended legislation, which wa enacted into law as part of the Department of Defense Appropriatio Authorization Act for fiscal year 1979 (Public Law 95-485, sectio 814) prohibiting the Secretary of Defense, during fiscal year 197 from modifying the policy or regulations in effect before June 3 1976. This probation could expire before the end of fiscal year 1979 i the Secretary of Defense reports the details of requested changes to the Congress.

The subcommittee held 7 days of hearings on Circular A–109. Testimony was presented by witnesses from the Office of Management and Budget, Department of Defense, Electronic Industries Association, Aerospace Industries Association of America, Inc., and National Security Industrial Association. The record of those hearings has been published in House Armed Services Committee document No. 95–76.

MILITARY INSTALLATIONS AND FACILITIES SUBCOMMITTEE

SECTION 612 OF PUBLIC LAW 94–431

On September 26, 1977, the Subcommittee on Military Installations and Facilities held a hearing to review the operation of section 612 of Public Law 94–431, the military construction authorization act for fiscal year 1977, and to obtain information on the procedures and regulations that have been developed by the Department of Defense pursuant to this section. Section 612 governs policies and regulations concerned with base realinements and closures. Testimony also was received from several Members of Congress on the impact of section 612.

HEALTH FACILITIES ACQUISITION

On September 29, 1977, the subcommittee received a briefing on the health facilities acquisition methodology study that the House Armed Services Committee directed the Department of Defense to undertake pursuant to House Report 94–964, which accompanied the fiscal year 1976 military construction authorization bill. The subcommittee has been greatly concerned over the high cost of building new military hospitals and directed the report with a view toward developing new methods and approaches for reducing the cost growths associated with building new military hospitals. The study made a number of recommendations, including the need to accelerate implementation of a regional military health-care system, improve space planning criteria, and establish more precise definitions for beneficiary populations and demand levels for military facility health care.

REAL ESTATE ACQUISITION AND DISPOSAL PROJECTS

The subcommittee, in its jurisdiction over real estate transactions proposed by the Department of Defense, held 11 hearings during the 95th Congress: 233 acquisition and disposal projects were considered; 231 were approved and 2 were deferred.

COST-VARIATION REPORTS

The subcommittee reviewed and approved 40 cost variation reports submitted by the Department of Defense as required by law regarding cost overruns.

MILITARY PERSONNEL SUBCOMMITTEE

HEALTH CARE

The Subcommittee on Military Personnel held 11 days of hearings commencing on May 17, 1977, to inquire into all facets of health-care delivery in the military, including the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). During that inquiry a number of legislative proposals were considered.

As noted earlier in this report, the fiscal year 1979 Department of Defense Authorization bill, S. 3486, as enacted, contained a provision which raises allowable physician fees to the 90th percentile and requires fee schedules to be updated annually.

Further health care hearings are planned in the 96th Congress.

MILITARY GRIEVANCE PROCEDURES

Because of the recent interest in the subject of unionization of the military and in exercise of its general oversight responsibilities concerning morale in the military community, the subcommittee has been conducting an inquiry into the adequacy of existing grievance procedures in the military. To date, testimony has been received from, among others, a representative of the Office of the Secretary of Defense, the Inspector General of each of the services, and the senior enlisted advisor of each service. The subcommittee has also gathered information on the subject through trips to military installations and an opinion survey.

The inquiry has not been completed and will continue into the 96th Congress.

RESERVE READINESS

The subcommittee held hearings on September 29 and 30 and October 3 and 27, 1977, in which testimony was received on the current state of readiness in the Reserve components.

The subcommittee received testimony from representatives of the Department of Defense on readiness matters in general, as well as additional testimony on a recent mobilization exercise conducted by the Army. The hearings also included the results of studies on the programs for full-time training and support in each of the Reserve components and the existing situation in the Individual Ready Reserve.

The information gathered during these hearings was used as a basis for the subcommittee's analysis of Reserve programs during the fiscal year 1979 authorization process.

SERVICE ACADEMIES

On October 5 and 6, 1977, testimony was received from the superintendents of the three service academies, covering mainly the honor code; the action taken following the report of the Borman Commission, when addressed the honor code violations at West Point during 1976; and the Report of the Special West Point Study Group.

In addressing the latter report, the subcommittee went into the question of cadet and midshipman attrition, hazing, curriculum structure at the academies and faculty and staff appointments.

The superintendents testified on the manner in which the honor code is currently administered at each academy, with specific reference to differences that exist, particularly between the Naval Academy on the one hand and West Point and the Air Force Academy on the other.

Pursuant to a mandate from the subcommittee, the superintendents reported in writing on the applicable implementation of the Borman Commission Report findings through the end of academic year 1977-78. Those reports are contained in the overall printed record of hearings (H.A.S.C. Document 95-79).

SELECTIVE SERVICE SYSTEM

The subcommittee held a hearing on October 18, 1977, on Selective Service to review the committee action taken during January and February 1976 at the time the Selective Service budget was drastically reduced to place the agency in what has been referred to as a deep standby status. At that time, the President's budget submission represented a reduction in funding from $37.5 million to $6.8 million. As a result of that inquiry, the House Armed Services Committee concluded that such action was an unacceptable risk to our national security.

During the 2d Session of Congress the subcommittee inquired further into what appears to be a continuing inability of Selective Service to respond adequately in the event of mobilization. In that connection, the committee requested the Congressional Budget Office (CBO) to do a detailed study and report on the following:

What is the current induction delivery capability of Selective Service?

What improvements, if any, in meeting Department of Defense wartime manpower induction requirements could have been expected under the Administration's proposed $9.5 million budget for fiscal year 1979?

What improvements, if any, would accrue to Selective Service if a budget of $17 million were provided, as requested by the House Armed Services Committee, to include funds for reinstating peacetime registration and classification?

The Congressional Budget Office responded in a printed report ntitled "The Selective Service System: Mobilization Capabilities and Options for Improvement" dated November 1978. The report was eleased to the public on December 3, 1978, by the Chairman of the House Armed Services Committee.

The CBO answered the foregoing questions and evaluated the costs nd effects of several alternatives to improve current induction capabilities, while indicating clearly in the text that Selective Service is unable to meet current Department of Defense requirements. For xample, while current Department of Defense requirements are for he first delivery of inductees at mobilization day +30, the CBO's optimistic estimate is that Selective Service could not deliver until M+65 days or pessimistically until M+95 days.

ALL-VOLUNTEER FORCE

As a part of a continuing review of the status of the All-Volunteer Force, the subcommittee conducted a hearing on July 11, 1978. The purpose of the hearing was to receive testimony from Dr. Charles C.

Moskos, Jr., professor in the Department of Sociology at Northwestern University. Dr. Moskos, an eminent military sociologist, has conducted extensive research on the All-Volunteer Force, and testified concerning his most recent research.

The subcommittee will continue its review of the All-Volunteer Force in the 96th Congress.

Military Compensation Subcommittee

MILITARY RETIREMENT SYSTEM

The Subcommittee on Military Compensation held hearings on the general subject of the military retirement system on October 4, 5, and 12, 1977, and on April 12, 1978. The hearings were preliminary and informational in nature. The objective was to familiarize the subcommittee with the potential problems to be faced during future deliberations and prepare itself, in terms of background information, for those deliberations. The hearings were manifestations of the concern expressed by members of the Committee on Armed Services with the rapidly growing costs of the military retirement system.

Testimony was received from a Department of Defense witness, a budget analyst from the Congressional Budget Office, and from the chairman of the President's Blue Ribbon Commission on Military Compensation.

VARIABLE INCENTIVE PAY FOR PHYSICIANS FOLLOWING COMPLETION OF RESIDENCY

The subcommittee received testimony on October 18, 1977, from 2 military physicians regarding the eligibility for bonus payment of physicians who received financial support from the Armed Forces Health Professions Scholarship Program.

Variable Incentive Pay is a bonus offered to physicians on active duty if they agree to remain on active duty for 1 to 4 additional years. The amount of this bonus may be up to $13,500 for each year of extension.

Physicians who participated in the Health Professions Scholarship Program are presently not entitled to receive Variable Incentive Pay until they complete their initial active-duty obligation (which they cannot begin serving until after completion of residency training). Other physicians who have completed substantially the same medical training under other programs and who are performing substantially the same job are receiving an additional $9,000 in total compensation because these other programs permit the active duty obligation to be satisfied during residency training.

The subcommittee received further testimony on the general subject of special pay for health professionals on July 27 and August 1, 1978, from Department of Defense witnesses. Discussion was focussed on H.R. 13213 and H.R. 13226, bills that would revise the present special-pay system addressing the problem outlined above.

The subcommittee found the situation to be extremely complex. Much of the complexity was determined to lie in the differences in the regulations, application, and benefits of the numerous procurement programs and their interaction with variable incentive pay statutes. Specific circumstances vary considerably among individuals.

The subcommittee was not satisfied with any of the changes suggested during hearings; however, the information gathered will provide a foundation for further consideration of this critical area.

JUNIOR ENLISTED MEMBERS STATIONED OVERSEAS

During the latter part of 1977 and early in 1978, attention was focused on the plight of junior enlisted personnel stationed overseas, particularly in Germany and Japan. Initial hypotheses regarding the cause of this problem emphasized the impact of the rapidly declining value of the dollar. Although this appears now to have been a contributing factor to the problem, it is by no means the major cause. Rather, the assumption of debt by the junior service members resulting from the lack of travel benefits for their dependents and transportation of their household goods, together with other costs associated with establishing a household in the overseas country—caused the majority of financial and concomitant problems to arise.

The subcommittee undertook a multi-stage approach to investigating this issue and the possible solutions available. The first stage involved receiving testimony from Defense witnesses. The Defense witnesses provided their perception of the present problems experienced by the junior service members stationed overseas, a discussion of administrative actions that had been taken or that were being considered that would alleviate the problems, and their assessment of the priorities of potential legislative approaches to the problems. This first stage provided the subcommittee with a fairly broad, yet detailed framework, together with a "menu" of possible actions to evaluate and to coalesce into a workable solution.

The second stage involved the testimony of junior enlisted personnel who had been stationed overseas in high cost areas. In order to formulate preliminary findings and at the same time to minimize the cost and disruption, the witnesses were randomly selected from service members presently stationed in the Washington, D.C., area who had recently returned from an overseas assignment. The subcommittee selected members from junior grades, from those with and without dependents, from those receiving travel and transportation for dependents and those not, from those stationed in areas where the dollar was rapidly devaluating and where it was not, and from those residing in government quarters and those not. By comparing the experiences of members from these different categories, the subcommittee was able, on a tentative basis, to specify the major causes of the financial plight of the service members.

The subcommittee also received testimony from the senior enlisted advisors from the Army, Navy, and Air Force. One of the primary functions of these highly qualified individuals is to travel and solicit the views of the enlisted population. Because the subcommittee, to that point, had only been able to speak with a handful of junior enlisted personnel, the counsel of the senior enlisted advisors was sought in an effort to generalize on the situation based on their extensive firsthand contact.

A subcommittee delegation visited U.S. military enlisted personnel in West Germany during the week of July 2, 1978, to gain firsthand knowledge of the financial plight of junior enlisted personnel stationed overseas.

The delegation sought to elicit the perceptions service members have of their financial problems. To this end, the members and staff talked face-to-face with over 500 enlisted personnel and dependents, the vast majority in the junior grades. The members visited facilities and service members at Rhein Main Air Force Base outside Frankfurt, Ramstein Air Force Base, Kaiserslautern Army Depot, combat units in the Fulda area, Stuttgart and Wiesbaden.

The members restricted their visits to those facilities frequented by enlisted personnel. To this end, the members ate in the mess halls, visited housing referral offices, exchanges, commissaries, service clubs, NCO clubs, barracks, a border outpost, motor pools, a picnic, a MAC terminal, service members' homes, and a USO facility.

The subcommittee found that the major problems faced by most junior enlisted personnel stationed overseas result from the lack of travel and transportation benefits for their dependents. The overwhelming majority of junior enlisted members elect to bring their families overseas at their own expense and, as a result incur considerable debt. This assumption of debt, and its consequent burden, is the single most significant cause of problems—financial, motivational, and marital—faced by the junior service member.

In acting on the Defense Appropriations Act for fiscal year 1979, the Congress included funds for travel and transportation benefits for dependents of junior enlisted personnel stationed overseas. Although the subcommittee does not believe this is the complete solution to the problems faced by these junior personnel, this step is the most important action that can be taken.

ACTIVITIES OF SPECIAL SUBCOMMITTEE

SPECIAL SUBCOMMITTEE ON NATO STANDARDIZATION, INTEROPERABILITY AND READINESS

The Special Subcommittee on NATO Standardization, Interoperability and Readiness was chartered on May 2, 1978, by the full committee to conduct a detailed study of the present state of efforts at standardization and interoperability by the North Atlantic Treaty Organization, and identify areas of military readiness problems in the alliance which result from a lack of joint procedures, doctrine or standard equipment. The subcommittee was tasked to identify those areas where standardization and interoperability might be most advantageously pursued, the most feasible approaches to achieving greater standardization and interoperability, and how it would contribute to improved military readiness.

The special subcommittee began its work on May 11, 1978, and held a total of 41 hearings and briefings from that date until December 5, 1978. In addition to hearing testimony from Defense Department witnesses on the projected military threat to Western Europe, the state of readiness of our military forces, and U.S. plans to increase NATO arms cooperation, the subcommittee received testimony from a variety of other witnesses.

Many of the issues raised require economic and political answers as opposed to solutions based solely on military considerations. Accordingly, witnesses representing Department of State, Department of Commerce, Office of Management and Budget, national labor unions and industry were called. A fact-finding trip was made from July 2 to 8

1978, to 5 NATO European nations. Fifteen meetings were held in Europe, 8 of which were with European ministry of defense, industrial and parliamentary leaders. Subjects covered during these meetings with European leaders included: how future national weapons programs could be better harmonized through promotion of licensing of arms production; how responsible and equitable increases of technology transfer could be made; and how a better understanding and some resolution of national policy differences toward nonalliance arms transfers could be achieved.

A record of hearings will be published as will a report on the subcommittee's fundings and recommendations.

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Union Calendar No. 969

95TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 95–1835

REPORT ON THE ACTIVITIES
OF THE
AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF
OF THE
HOUSE OF REPRESENTATIVES
DURING THE
NINETY-FIFTH CONGRESS
PURSUANT TO
CLAUSE 1(d) OF RULE XI OF THE RULES OF THE HOUSE OF REPRESENTATIVES

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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AD HOC COMMITTEE ON OUTER CONTINENTAL SHELF

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LETTER OF TRANSMITTAL

House of Representatives,
Ad Hoc Select Committee on the Outer Continental Shelf,
Washington, D.C., January 2, 1979.

Hon. Edmund L. Henshaw, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Henshaw: Transmitted herewith is a report entitled "Report on the Activities of the Ad Hoc Select Committee on the Outer Continental Shelf," submitted pursuant to the requirements of rule XI, clause 1(d).

Sincerely yours,

John M. Murphy, *Chairman.*

Enclosure.

Union Calendar No. 969

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 95-1835

REPORT ON THE ACTIVITIES OF THE AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF DURING THE 95TH CONGRESS

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. MURPHY of New York, from the Ad Hoc Select Committee on the Outer Continental Shelf, submitted the following

REPORT

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I. LEGISLATIVE JURISDICTION OF THE AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

The jurisdiction of the Ad Hoc Select Committee on the Outer Continental Shelf is set forth in House Resolution 97, as authorized by Rule X, clause 5, of the Rules of the House of Representatives.

House Rule X provides:

RULE X—ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

Referral of Bills, Resolutions, and Other Matters to Committees

5(a) Each bill, resolution, or other matter which relates to a subject listed under any standing committee named in clause 1, shall be referred by the Speaker in accordance with the provisions of this clause.

(b) Every referral of any matter under paragraph (a) shall be made in such manner as to assure to the maximum extent feasible that each committee which has jurisdiction under clause 1, over the subject matter of any provision thereof will have responsibility for considering such provision and reporting to the House with respect thereto. Any precedents, rulings, and procedures in effect prior to the 95th Congress shall be applied with respect to referrals under this clause only to the extent that they will contribute to the achievements of the objectives of this clause.

(c) In carrying out paragraphs (a) and (b) with respect to any matter, the Speaker may refer the matter simultaneously to two or more committees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any committee after the first), or divide the matter into two pairs (reflecting different subjects and jurisdiction) and refer each such part to a different committee, *or refer the matter to a special ad hoc committee appointed by the Speaker with the approval of the House (from the Members of the Committees having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the House thereon*, or make such other provision as may be considered appropriate. (Emphasis added.)

(d) After the introduction in the House of each bill or resolution the Congress Research Service of the Library of Congress shall prepare a factual description of the subject involved therein not to exceed one hundred words; such description shall be published in the Congressional Record and Digest of Public General Bills and Resolutions as soon as possible after introduction.

House Resolution 97 provides:

> **Resolved, (a) That pursuant to Rule X, clause 5, the Speaker is authorized to establish an Ad Hoc Select Committee on the Outer Continental Shelf to consider and report to the House on the bill H.R. 1615, a bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Act; and for other purposes,** and on any related matter on this subject within the jurisdiction of the three committees named in part (b) of this section which may hereafter be referred to it by the Speaker.
>
> (b) The Select Committee shall be composed of 19 Members of the House appointed by the Speaker from the following committees: (1) the Committee on Interior and Insular Affairs; (2) the Committee on the Judiciary; (3) the Committee on Merchant Marine and Fisheries. The Speaker shall designated one of the members as Chairman.
>
> Sec. 2. Insofar as applicable the provisions of rule XI, clause 1 and 2 shall apply to the Select Committee.
>
> Sec. 3. To enable the Select Committee to carry out the purposes of this resolution, such Committee is authorized to utilize the services of the staffs of those standing committees of the House from which Members have been selected for membership on the Select Committee.
>
> Sec. 4. (a) The Select Committee is authorized and directed to transmit its findings and report to the House on such matters as may have been referred to it and on which it has acted as soon as practicable, but no latter than March 31, 1978.[1]
>
> (b) Any bill and acommpanying report of the Select Committee shall be subject to the rules of the House in the same manner as though it has been reported from a standing committee of the House.
>
> Sec. 5. The Committee shall expire upon completion of the legislative process, including final disposition of any veto message with respect to all legislation reported by the Committee.

II. Background

The creation of the ad hoc Select Committee on the Outer Co tinental Shelf in the 94th Congress and its continuation in the 95 Congress resulted from public concern about the Department of th Interior's accelerated OCS leasing schedule under the authority of th OCS Lands Act, which was 23 years old and in need of modernizatio congressional concern that bills to amend the OCS law would have be referred to three or more House committees; and the expres desire to avoid parliamentary confusion and delay.

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[1] On April 4, 1978, by House Resolution 1045, Supplemental funds were authori for use by the Ad Hoc Committee until the end of the Second Session of the 9 Congress.

THE OCS LANDS ACT OF 1953

The Outer Continental Shelf Lands Act [2] was passed in 1953, after series of events from the middle 1940's to early 1950's raised the issue Tidelands Oil and Federal/State conflict over offshore resource risdiction to the public consciousness.

On September 28, 1945, President Harry S. Truman issued a Proc- mation on the Continental Shelf [3] stating that the Government of e United States "regards the natural resources of the subsoil and abed of the Continental Shelf beneath the high seas contiguous to e coasts of the United States and appertaining to the United States, bject to its jurisdiction and control." Although not so stated in the oclamation, the Continental Shelf was considered to be that area ntiguous to the Continent covered by no more than 100 fathoms 00 feet; 200 meters) of water. The Truman proclamation and the aim of the United States was subsequently recognized by the Geneva onvention on the Continental Shelf.[4]

A number of jurisdictional problems then arose between the U.S. ederal Government and certain State Governments as to rights to inerals in lands beneath coastal waters. In 1947 the Supreme Court, jecting prior rulings in this area, held that the Federal Government d "paramount rights" over the area 3 miles seaward from the nor- al low water mark on the California coast.[5] Similar decisions were ade in Louisiana and Texas cases in 1950.[6] In effect, then, the Court d decided that these States had no title to, or property interest in, e submerged lands off of their respective coasts outside their inland ters. Only the Federal Government had such rights.

However, there was a real question whether the existing statutes, rticularly the Mineral Leasing Act of 1920, applied to the Outer ntinental Shelf and whether it was necessary for the Congress to plicitly confer authority to the Executive and a department, more ecifically, the Department of Interior, to regulate offshore activities.

To resolve these issues statutorily, Congress passed two acts in 1953 ich helped to clarify the distinction in Federal-State control.

The Submerged Lands Act of 1953 [7] gives the coastal States exclusive hts to the resources up to 3 geographical miles from the coast. Sub- quent court cases provided that, for historic reasons, the boundaries Texas and Florida extended for three marine leagues (approxi- tely 10½ miles) from their coast lines into the Gulf of Mexico. e Act also reaffirmed the jurisdiction, power and control of the ited States beyond that point.

Although the Submerged Lands Act established coastal and seaward ndaries for Federal and State governmental jurisdiction, it was nt on the matter of Federal leasing for Outer Continental Shelf neral resources. To remedy this situation, Congress also passed the ter Continental Shelf Lands Act of 1953 (OSCLA).

Public Law 212. 83d Cong., 1st session. 67 Stat. 462. 43 U.S.C. 1331, et seq.

Executive Order 9633. Federal Register 12304 (1945); 59 Stat. 885.

U.N. Doc. A/Conf. 13/L.55, T.I.A.S. 5578.

United States v. *California*, 332 U.S. 19 (1947).

United States v. *Louisiana*, 339 U.S. 699 (1950); *United States* v. *Texas*, 339 707 (1950).

Public Law 31, 93d Cong., 1st sess., 67 Stat. 29, 43 U.S.C. 1301 et seq.

The legislation defines the OCS as all lands lying seaward and outside of State waters (3 miles) "and of which the subsoil and seabed (belong) to the United States and are subject to its jurisdiction and control". It also establishes very general guidelines and directives for the Secretary of Interior in managing the resources of the OCS and in leasing tracts for oil and gas, and other mineral exploration and development.

1953–1975

With the exception of one limited amendment,[8] the OCSLA remained untouched since 1953, although statutes were passed that applied to OCS areas and operations.[9]

Only when an OCS drilling project in the Santa Barbara Channel, offshore southern California, had a major blowout on January 28, 1969, resulting in widespread oil spill damages and more importantly citizen concerns, was national attention focused on OCS issues. Hearings were held by various Senate committees and by the Interior and Commerce Committees of the House, but no legislative action was taken.

The next event that brought national attention to our offshore resources was the Arab oil embargo. The potential oil and gas deposits on the OCS, it was felt, might to some undetermined extent, reduce the country's dependence on foreign energy supplies and thus its economic vulnerability in relation to the OPEC nations. The embargo led to the establishment of Project Independence, for total energy independence by 1980, and as a part of this project, an accelerated OCS leasing schedule was promulgated.

The proposed stepping up of the OCS lease schedule led to increased concern by environmental and citizen organizations, commercial and recreational fishing interests, and other groups, over the possible effects of such rapid development. It also led to increased concern by states and local communities who previously have not been affected by OCS activities, but who now would be adjacent to proposed leases in frontier or previously unexplored OCS areas.

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[8] The Deepwater Port Act, January 3, 1975. Public Law 93–627, Sec. 19(f), 88 Stat. 2146 required the State laws applicable to OCS activities to be continually updated. See 43 U.S.C. 1333, as amended (1976 Supp.).

[9] Fish and Wildlife Act of 1956 (Act of August 8, 1956, 70 Stat. 1119 as amended U.S.C. 742(a), et seq.)—Establishes the U.S. Fish and Wildlife Service to study, protect and manage the fish resources under U.S. jurisdiction.

Geneva Conventions of 1958 (Convention on the Territorial Sea and the Contiguous Zone U.N. Doc. A/Conf. 13/L.52 T.I.A.S. 5639; Convention on the Continental Shelf, U.N. Doc. A/Conf. 13/L.55. T.I.A.S. 5578.)—Provides for a territorial sea of 3 miles, a contiguous zone up to 12 miles, and a continental shelf "to a depth of 200 meters or . . . to where the depth . . . admits to exploration . . ."

Natural Gas Pipeline Safety Act of 1968 (Public Law 90–481, 82 Stat. 720, 49 U.S.C. et seq.)—Establishes requirements for the placing of pipelines.

National Environmental Policy Act of 1969 (Public Law 91–190, 83 Stat. 854, 42 U.S.C. 4321 et seq.)—Provides requirements through regulations for draft environmental impact statements, hearings, and final environmental impact statements as to areas of leasing and actual leases.

Occupational Safety and Health Act of 1970 (Public Law 91–596, 84 Stat. 1590, 29 U.S.C. 651 et seq.)—Requires employers, including those engaged in OCS development activities, to provide a safe working environment for all employees.

Federal Water Pollution Control Amendments of 1972 (Public Law 92–500, 86 Stat. 33 U.S.C. 1251 et seq.)—Limits and controls the discharge of oil or hazardous substances into or upon the navigable waters.

Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92–522, 86 Stat. 1028–1046, 16 U.S.C. 1361, 1362, 1371–84, 1401–7.)—Authorizes the designation of marine sanctuaries which may extend to the outer limit of the Continental Shelf.

Coastal Zone Management Act of 1972 (Public Law 89–545, as added Public Law 86 Stat. 1281, 16 U.S.C. 1451 et seq.)—Provides Federal assistance to coastal States to enable them to develop and administer their own coastal management programs.

Deepwater Port Act of 1974 (Public Law 93–627, 88 Stat. 2146, 33 U.S.C. 1501 et seq.)—Provides for the regulation of the location, ownership, construction, and operation of deepwater ports beyond the territorial limits of the United States.

These State and local governments argued that it was their beaches, estuaries, and other shoreline areas which could be severely damaged by an OCS-related spill. It was their onshore coastal lands which would be the site of the necessary support facilities. It was their coastal communities which would experience possible boom-town effects from the offshore development. Yet, this leasing and development was a Federal decision and a federally administered process over which the States had little, if any, control, and for which the States received no financial assistance. Moneys received from OCS bonuses, rentals and royalties went into the U.S. Treasury—not those of the affected coastal States.

These pressures led to increased congressional involvement. Subcommittees of the Judiciary, Merchant Marine, Interior, Appropriations, and Government Operations Committees of the House all held hearings on OCS leasing procedures and the accelerated leasing schedule.

During the 93d Congress, the Senate Committee on the Interior held extensive hearings and eventually reported out S. 3221, making extensive reforms to the OCS Land Act of 1953. The Senate, in fact, passed the OCS bill at the end of the second session of the 93d Congress, but the House did not have sufficient time to act on it.

At the beginning of the 94th Congress, the Senate again began work on a new OCS bill (S. 521) similar to the one it passed in 1974, and the House wanted to consider such legislation reasonably but expeditiously. A number of bills were introduced in the House, proposing extensive changes to the 1953 Outer Continental Shelf Act and suggesting new reforms and procedures for bidding, leasing, exploring, developing, and producing. These bills were referred to numerous House committees, but primarily to the Committee on Merchant Marine and Fisheries, the Committee on Interior and Insular Affairs, and the Committee on Judiciary.

CREATION OF THE AD HOC SELECT COMMITTEE

It was recognized that it would be extraordinarily difficult and time consuming for the House to act on a major revision of the basic OCS statute if several committees were to exercise concurrent jurisdiction over different aspects of any new legislation. Action on this legislation needed to be prompt because of the accelerated leasing schedule. Thus, many Members soon recognized the need for a special procedure—the creation of a special committee by the Speaker of the House for the sole purpose of considering OCS legislation.

Thus, in March of 1975, it was recommended to the Speaker of the House that a special Committee be created for the sole purpose of onsidering such legislation and reporting it to the full House, and hat the special Committee be composed of Members of the various ommittees with jurisdiction in this area. Thereafter, on April 22, 975, Majority Leader Thomas P. O'Neill introduced H. Res. 412, reuesting the establishment of Ad Hoc Select Committee on Outer ontinental Shelf. Membership of, and staff for, this special Comittee was to be drawn from the Committee on Merchant Marine and isheries, the Committee on Interior and Insular Affairs, and the

Committee on the Judiciary. On the same day, the Honorable John M. Murphy, Peter W. Rodino, and Leonor K. Sullivan introduced H.R. 6218, a comprehensive bill to amend the OCSLA. That day the House passed H.Res. 412, by unanimous consent, and the Ad Hoc Committee was established. H.R. 6218 was referred to the Select Committee, which was directed to transmit its findings and report on this matter to the full House.[10]

ACTIVITY IN THE 94TH CONGRESS

The ad hoc select Committee conducted extensive hearings, briefings and inspections. Field hearings were held in New Orleans, Louisiana; New York City; Ocean City, New Jersey; Philadelphia, Pennsylvania; Los Angeles and San Francisco, California; Yakatat, Cordova; and Anchorage, Alaska; New London, Connecticut; Boston, Massachusetts and Ocean City, Maryland. In addition, six days of hearings were conducted in Washington, D.C. At these field hearings, State and local government representatives, industry and industry-related representatives, citizens, environmentalists, and regional representatives of federal agencies all presented their positions. At the Washington hearings, Members of Congress, federal officials, academics and representatives of environmental, professional, industry and governmental organizations and trade associations all testified. In total, more than 300 witnesses testified before the OCS Committee during the 94th Congress.

In addition to the field and Washington hearings, inspections were held of existing and expected offshore facilities and onshore OCS-related activities in Louisiana, California, New Jersey, Alaska, Scotland and Norway.

Finally, extensive briefings were held by the Office of Technology Assessment, Congressional Research Service, federal agencies, the American Petroleum Institute, American Association of Petroleum Geologists, and Rutgers University on OCS issues, problems and possible solutions.

Starting on December 16, 1975, the Committee began markup of H.R. 6218. After 13 days of markup, and consideration of four staff drafts and 190 amendments, H.R. 6218, as amended, was ordered reported out of Committee on April 13, 1976.[11]

After securing a rule for floor consideration, the bill reached the full House on June 4, 1976. After five days of review and consideration of over 85 amendments, and of a substitute bill and a motion to recommit, H.R. 6218, retitled S. 521, was approved by the full House on July 21, 1976 by a vote of 247–190.[12]

While the OCS Amendments were pending in the House, the Senate was acting on a companion bill—S. 521, which it passed on July 30, 1975.

On September 8, 1976, the Senate notified the House of its disagreements with the House amendments, requested a conference, and appointed its conferees. The Senate conferees were: Messrs. Jackson,

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[10] The original resolution required a report by January 31, 1976. By House Resolution 977 and 1121, the reporting date was extended to May 4, 1976.

[11] On May 4, 1976, the select committee officially reported out H.R. 6218 (H. Rept. No. 94–1084), pursuant to the requirement of House Resolution 1121, together with additional supplemental material and minority views.

[12] The bill as amended and passed by the House was printed in the Congressional Record of July 30, 1976.

Church, Metcalf, Johnston, Abourezk, Haskell, Glenn, Stone, Bumpers, Fannin, Hansen, Hatfield, McClure and Bartlett.

On September 10, the House appointed the following conferees: Messrs, Murphy, Udall, Eilberg, Breaux, Studds, Dodd, Hughes, Miller, Fish, Forsythe, du Pont, Young, and Mrs. Mink.

The conference committee met for 2 days—September 16 and 20, 1976.

After lengthy consideration of the bill passed by the House by the members of the Senate Interior Committee, Senator Henry Jackson (Washington) suggested Senate acceptance of the House bill with a series of technical amendments and 14 substantive amendments to the bill.[13]

After review of Senator Jackson's recommendations, some 25 Senate amendments to the House version were accepted, and the conference report was filed with the House and Senate on September 20, 1976 (H. Rept. No. 94–1632).

The conference report was then considered by the House. After lengthy debate, the overruling of numerous points of order and a motion to recommit a motion to send the report back to conference to modify sections dealing with exploration and safety was passed by a narrow veto of 198–194. No further legislative action was taken in the 94th Congress.[14] However, the activities of the OCS Committee did not terminate.

After the recommital of S. 521, the select committee continued its meetings with Federal, State, and local government officials; environmental and citizens groups; and union, business, and energy-related industry representatives. Numerous members forwarded constituent inquiries to the select committee staff for response.

III. 95TH CONGRESS—REESTABLISHMENT OF THE AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

PASSAGE OF S. 9

After recommittal of the OCS Amendments in the 94th Congress, efforts commenced to reconstitute the Ad Hoc Select Committee in the 95th Congress and to obtain reforms. States, local communities, interest groups and Members of Congress continued their complaints about the existing OCS leasing procedures. Fears persisted that reforms adopted administratively in response to Congressional concern and pressure[14a] could be withdrawn without further congressional action and without positive enactment into law. Others expressed concern about possible oil spills and the lack of compensation for clean up of and damages from such spills. Finally, others sought statutory procedures for promoting competion; for increasing the involvement of affected areas and groups in OCS decisions; for suspending activities and, if necessary, cancelling leases because of extreme environmental

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[13] These amendments were printed in the Congressional Record of August 16, 1976.

[14] Congress was scheduled to ajourn sine die within a few days, and because of the heavy schedule of other conference committees on which Senate Members of the OCS conference were obligated to participate, there was not sufficient time for the reconsideration of the bill. Consequently, no further action was possible on S. 521.

[14a] Some support for these fears occurred in November, 1977, when the emergency safety standards for divers were withdrawn due to industry court challenges.

and safety hazards; for increasing Federal Government contro
OCS activities; for insuring U.S. jurisdiction over resources
Continental Shelf and Slope; and for providing remedi
workers injured as a result of OCS activities.

In November of 1976, a new President was elected, who p
support and action to secure OCS statutory reforms. In respo
this promised assistance, a desire to avoid legislative conflic
jurisdictional disputes and to assure passage of OCS Amend
was expressed early in the 95th Congress.

On January 10, 1977, Senator Henry Jackson introduced S
amend the Outer Continental Shelf Lands Act of 1953 and for
purposes.

On January 11, 1977, Congressman John Murphy of New Yo
troduced H.R. 1614, a bill that would establish a policy for the
agement of oil and natural gas on the outer continental sh
protect the marine and coastal environment, and to amend the
Continental Shelf Lands Act of 1953. Both S. 9 and H.R. 161
identical bills—the text of the conference report on S. 521.

On January 11, 1977, Mr. Murphy introduced H. Res. 97,
authorized the Speaker to re-establish the Ad Hoc Select Com
on the Outer Continental Shelf to consider and report to the
on H.R. 1614 in the 95th Congress. The resolution was passed
House on the same day.

Because extensive field hearings were held in the 94th Congre
Committee decided to limit its hearings to Washington, D.C
days of hearings were held, ending on June 9, 1977.[15]

Immediately after the completion of the hearings, on June
Committee approved a staff draft of H.R. 1614, as a working
ment for markup. The new draft was designed to incorporate ne
modified language in problem areas identified by the hearing p

On June 30, 1977, the Committee held its first markup sessi
the presentation and discussion of a new draft of H.R. 1614. D
the months of June and July, numerous meetings were held with
bers and staff, as well as many outside groups and organizations

Markup sessions of the committee were held on July 12, 20, 21,
at which time majority and minority counsel consecutively pre
a summary and analysis consistent with differing drafts of H.R

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[15] On March 3, 1977, the Ad Hoc Committee on the OCS began its hearings
1614, focusing on the views of the Carter Administration. Testimony was given
retary of the Interior Cecil D. Andrus, and the Administrator of F.E.A., John

On March 7, 1977, Monte Canfield, Director, Energy and Minerals Divisio
briefed the House Ad Hoc Select Committee on OCS on Lease Sale No. 35, of
California.

On March 28, 1977, additional administration witnesses were heard by the
OCS Committee. Witnesses included Charles Warren, Chairman of the Council
vironmental Quality: E. H. Clark, Jr., member of the National Advisory Comm
Oceans and Atmosphere: Dr. Robert White, Administrator of NOAA, and Mr.
Knecht, Acting Associate Administrator of Commerce's Office of Coastal Zone Mana

On April 4, 1977, the House OCS Committee continued hearings on H.R. 161
Administration witnesses from the Department of Defense, the Department of La
the U.S. Coast Guard.

On April 5, 1977, the House OCS Committee finished the first phase of its
on H.R. 1614, centered on the views of the executive branch. Appearing were w
from the Department of State, the Justice Department, the Environmental Pro
Agency, and the Federal Trade Commission.

On May 9, 1977, the House OCS Committee held the second phase of its hear
H.R. 1614, a bill to reform the 1953 OCS Lands Act. Witnesses were heard from
and gas industry, related service industries, environmental groups, state and lo
ernment leaders, unions, associations, citizens and other interested groups.

The final day of hearings was held on June 9, 1977. Secretary Andrus, resta
Administration's position in general support of H.R. 1614, and addressed issue
lighted by over 4 months of hearings.

Markup continued on July 22, 25, and 26, 1977. Due to the high degree of participation and interest, 77 prinicple amendments and over 100 secondary amendments were submitted for consideration by the Members of the Committee.

Final markup session was held on July 27, 1977, and H.R. 1614 was ordered reported by a vote of 11 to 8.

On August 29, 1977, the Select Committee officially reported out H.R. 1614 (H. Report 95–590), pursuant to the requirement of House Resolution 97, together with additional supplemental material and minority views.

HOUSE ACTION

On October 25, 1977, Chairman John M. Murphy and other Members of the Select Committee appeared before the House Rules Committee to request an open rule with one hour of general debate. Following discussion of this request, a motion to postpone consideration of the OSC bill for a rule until the Second Session of the Ninety-Fifth Congress was passed by a 10–5 margin. On January 25, 1978, the Rules Committee granted the requested rule and scheduled floor action.

On January 25, 1978, the House debated the Rule (House Resolution 964) and recorded a favorable vote of 247 to 158. After adopting the Rule, general debate on H.R. 1614 proceeded.

On January 26, 1978, all time for general debate having expired, two amendments were offered in the nature of substitutes by Mr. Breaux of Louisiana and Mr. Fish of New York. After consideration of amendments to the substitutes, both were defeated by the House by recorded votes of 211 to 187 and 229 to 143, respectively.

On January 21 and February 1, 1978, the House further considered amendments to H.R. 1614. Over 70 amendments were offered and debated, continuing into February 2, 1978.

On February 2, 1978, after a motion to recommit the bill was rejected, the House retitled the bill S. 9 and passed the bill by a vote of 291–91.

SENATE ACTION AND CONFERENCE

The Senate Committee on Energy and Natural Resources held four days of Washington hearings in March and April of 1977 on S. 9—the companion bill to the House proposed OCS Amendments.

On May 11, the Committee began marking up the bill. After several days of markup sessions, in which approximately 100 amendments were offered, the Committee favorably reported S. 9 on June 16, 1977 to the Senate on a vote of 14 to 4.

On July 14 and 15, 1977, the Senate debated, amended, and passed S. 9 by a vote of 60–18.

Once again, two differing versions of OCS reforms had to be resolved in a House-Senate Conference Committee. The conferees for the Senate and the House were named on March 17 and March 22, 1978, respectively.[16]

On May 1, June 13, 14, 15, 19, 21, 22, 28 and July 19 and 25, 1978, the conferees met and thoroughly debated the bill considering a staff prepared list of over 70 issues. On July 25, 1978, the conferees agreed to file the conference report, after resolving all disputes and differences and accepting a substantial majority of the language of the House version of the OCS bill. The conference report was then filed on August 10, 1978, in both Houses with the signatures of 19 out of 22 conferees. (House Report No. 95–1474)

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[16] Fourteen House Members and eight Senators were selected for the Committee on Conference as follows: Senators Jackson, Church, Johnston, Abourezk, Bumpers, Hansen, McClure, and Bartlett, and Representatives Murphy, Udall, Eilberg, Breaux, Studds, Hughes, Miller, Dodd, Seiberling, Fish, Forsythe, Young, Treen and Dingell (as a limited conferee).

FINAL CONGRESSIONAL ACTION

On August 17, 1978, Chairman John M. Murphy of New York brought the conference report before the House. By a vote of 335 yeas to 18 nays, the House passed the Conference Report on S. 9.

On August 22, 1978, the Senate passed the conference Report on S. 9 by a vote of 82–7.

Due to President Carter's Camp David meetings, a signing ceremony was not possible.

On September 18, 1978, President Carter signed the OCS amendments into Law (P.L. 95–372). He applauded the passage of S. 9 and stated that the Outer Continental Shelf Lands Act Amendments of 1978 was an essential part of our energy program. More specifically, he praised the sections of the bill that improve environmental safeguards, increased cooperation between Federal Government and States and localities, allowed small and medium sized energy firms to participate in OCS activity, and ensured safe working conditions for those employed on the OCS.[17]

FURTHER COMMITTEE ACTION

The Ad Hoc Select Committee on Outer Continental Shelf held hearings on the sixth and seventh of December, to review the status of the implementation of the 1978 OCS Amendments. Representatives of relevant federal and local government agencies, of coastal state and local governments, of environmental groups and industry all testified. All evaluated the affect of the new law and implementing regulations on OCS exploration, development and production, and the status of the implementation process. The Federal agencies indicated their interest in having congressional input into the development of the regulations on a continuing basis, and with the Committee agreed that oversight and monitoring of the OCSLA can best be accomplished with the input and assistance of the affected states, industries and interested groups.

The appropriate Federal agencies discussed the areas of the new law that specifically relate to their jurisdiction. For example, the Department of Interior described in general the progress of new regulation promulgation, the status of the new required leasing program, their plans to utilize alternative bidding systems, and procedures that have been developed with the Secretary of Energy on the new bidding schemes.

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[17] On October 3, 1978, Cecil D. Andrus, Secretary of the Department of Interior hosted a ceremony at the National Botanical Gardens to celebrate enactment of the OCS reforms. In attendance were Members of the OCS Committee and the Senate Energy Committee, along with staff and many other interest groups who participated in the preparation of the OCS amendments. Secretary Andrus praised the passage of the Outer Continental Shelf Lands Act Amendments of 1978 and further described passage of the OCS Lands Act as one of the most significant achievements of the 95th Congress. He reiterated his commitment to open up the OCS leasing process, now provided for in the OCS Act, so that those most affected by OCS leasing and development decisions would have their say in shaping the program.

The Department of Energy discussed the setting of production rates for federal leases, the implementation of alternative bidding systems, the establishment of diligence requirements for operations conducted on federal leases, and coordination with the Department of Interior.

The Departments of Transportation, Treasury, Labor, Justice, and Commerce, as well as the Federal Trade Commission and the Environmental Protection Agency also testified.

State governments evaluated the regulations required by the new law, and their input into those regulations. Particularly, California discussed the upcoming lease sale #48 and the effect the new law will have on the leasing, exploration, development, and production of resources off its coast.

Massachusetts described the status of their law suit delaying the holding of the Georges Bank Lease sale and their present desire to drop that suit in light of passage of the new law.

All of the State representatives testified on the amendments to the OCS formula grants section of the Coastal Zone Management Amendments contained in the new OCS law. The CZMA section of the law sets up the procedures for allocating grants to states participating in the coastal zone management program and affected by OCS activities.

The environmental organizations evaluated the provisions under the new law which provide for the protection of the marine, coastal and human environment, and for input by interested citizens. The new sections 18, 19, 20, and 25 provide (1) for the Secretary of Interior to prepare a 5-year leasing program consistent with environmental needs, affected states' policies, plans, and goals, and the CZM Program; (2) for coordination and consultation with affected states and local governments; (3) for preparation of environmental baseline studies on lease sale areas; and (4) for review of OCS activities after exploration and prior to development and production. Other sections of the law provide for the suspension and/or cancellation of leases for environmental reasons. One set of regulations requires all OCS facilities to comply with the national ambient air quality standards pursuant to the Clean Air Act, to the extent that activities authorized under the new law significantly affect the air quality of any state. The Committee listened to the environmentalists review the status of the implementation process and discuss whether the new law will lessen the opposition to future lease sales.

The industry representatives described the impact of the new law on OCS development, and the need to expedite the implementation process.

IV. The Outer Continental Shelf Lands Act Amendments of 1978—Major Provisions and Reforms

The 1978 OCS Amendment is a comprehensive rewriting of the original 1953 OCS Act and involves substantial revision of existing practices and regulations. As described earlier, the 1978 OCS Amendments were brought about because of belief that only general guidelines were provided in the original 1953 Act, and because of public concern that the OCS leasing program be carried out in a balanced and environmentally sound manner. Congress responded to that concern by passage of reform legislation. However, the problems are still not totally resolved. Proper implementation of the provision of the Act and resolution of a few remaining disputes is still essential.

LEASE SALES—BIDDING SYSTEMS

To insure that competition is promoted, Congress must evaluate the use of new bidding systems and their effectiveness. If sales are less than competitive, if new systems are not used, if fair market value is not obtained, action might be necessary. Similarly, if delays or lack of interest in bidding is indicated in new lease areas, or if a leasing program is not effective, action might be necessary.[16]

Under the 1953 OCS Act, leases were generally to be awarded to the highest responsible qualified bidder, through competitive and sealed bidding procedures, on the basis of a cash bonus, with a fixed royalty of no less than 12½ percent, or on the basis of a royalty, at no less than 12½ percent, and a fixed bonus. Many individuals questioned the wisdom of the traditional cash bonus bidding system, which placed a premium on large up-front capital expenditures, and which many urged tended to favor the large oil companies, giving them an unfair competitive advantage over the smaller independent oil companies. To get at this problem and in response to Congressional concern, the Nixon-Ford Administration experimented with the royalty bidding system with a fixed cash bonus authorized by the original 1953 OCS Land Act. In October 1974, in the Gulf of Mexico, OCS lease sale No. 36, the Interior Department offered ten tracts under the royalty bidding system with a fixed cash bonus of $25 per acre. The remaining tracts were offered under the traditional cash bonus system. As a result of the sale, it was determined that indeed the royalty bidding system was more competitive since the royalty tracts received more bids per tract with comparable USGS resource evaluations, including new bidders. However, the Administration concluded that the benefits of royalty bidding did not outweigh the debits. Particularly, it feared a decrease in ultimate resource recovery projected and a risk of premature abandonment.

In OCS lease sale No. 35 off Southern California in December 1975, a number of experimental tracts with high resource potential were offered under the cash bonus system with the fixed royalty doubled from the traditional 16⅔ percent to 33⅓ percent. The experiment showed promise of enhancing competition by reducing the cash bonus bids somewhat, while reducing the probability of early abandonment.

The Department of the Interior has continued to experiment with variations of the royalty bidding component. On March 28, 1978 in OCS lease sale No. 43, the Southeast Georgia Embayment sale, the Interior Department instituted the experimental sliding scale royalty, cash bonus bidding system. In this sale eighty tracts, approximately 36 percent of the total, were offered under the new system in which the royalty rate will vary from the conventional 16⅔ percent to as high as 50 percent, based on the value of crude oil and natural gas produced. Whether it was because of the use of the new bidding system or the lack of familiarity with the new area, sale No. 43 did not attract as much interest on the part of industry as had been expected.[19] In addition, the new sliding scale royalty system was also used in conjunction with OCS lease sale No. 45 in the Gulf of Mexico.

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[16] Congressional vigilance is required to insure that future lease sales run smoothly with the proper safeguards and within the context of an open OCS decision-making process. For example, OCS lease sale No. 49 in the mid-Atlantic is scheduled for February 1979. Hopefully, with the 1978 OCS Amendments in place, problems relating to the sale and conflicts with adjacent coastal areas will be resolved in advance, and the sale will proceed as scheduled, without delaying lawsuits. The Ad Hoc Select OCS Committee held oversight hearings to ascertain the status of the Georges Bank lease sale. An interesting sidenote about the George Bank lease sale is that 53 of the tracts would have been offered on a royalty bid basis with a fixed cash bonus. In light of the mandated use of alternate bidding systems in the new OCS Act, and the environmental concerns, the OCS Committee will follow closely the progress of the Georges Bank sale.

Of course under the 1953 law, only these bidding options were available.

The 1978 OCS Amendments provide for the use of new bidding systems, including variable royalty, variable net profit, fixed net profit, and work commitment bidding alternatives. It is hoped that these new systems will increase OCS competition, more efficiently allocate scarce capital, and increase ultimate resource recovery.

The use of these new bidding systems will require close cooperation between the Interior and Energy Departments, as the Secretary of the Interior retains the power to issue leases, while the Secretary of Energy has the new responsibility for promulgating regulations implementing alternative bidding systems in accordance with the DOE Act. Such regulations, including those regarding modifications of new bidding systems, are to be promulgated in advance and in accordance with the Administrative Procedures Act. Diligent congressional oversight will of course be needed to insure that such interagency coordination is effected.

Bidding systems other than bonus bidding, including royalty, net profit, work commitment, and nonenumerated systems are to be utilized in at least 20 percent and not more than 60 percent of the tracts offered for leasing in all OCS areas during each of the next 5 years. In utilizing the new bidding alternatives, a variety of considerations are to be taken into account.[20]

The Secretary of Interior is given the discretion to use[21] and to waive the minimum or maximum requirement for the use of bidding systems other than bonus bidding, based on a determination that either the minimum or maximum percentage level is not consistent with the purposes and policies of the Act. Congress decided not to accept language providing a one-House veto on wavier of the minimum or maximum and instead intended to monitor this provision by oversight.

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[19] Because the use of the new bidding system is closely related to one of the major purposes of the 1978 OCS Amendments, i.e., the provision for the use of new bidding ystems, Chairman Murphy has requested that the GAO study and report to Congress on ease sale No. 43 to evaluate the use of the new bidding method, and its affects on ompetition.

[20] These considerations include, but are not limited to, (i) providing a fair return to he Federal Government; (ii) increasing competition; (iii) assuring competent and afe operations; (iv) avoiding undue speculation; (v) avoiding unnecessary delays in xploration, development and production; (vi) discovering and recovering oil and gas; vii) developing new oil and gas resources in an efficient and timely manner; and (viii) imiting administrative burdens on government and industry.

[21] Congress decided that particular attention had to be paid to the proposed use of idding systems not enumerated in the Act. It may be necessary for the Secretary of nergy to employ modified or non-enumerated bidding systems. However, such systems an only be used if they are submitted to Congress and then only if neither House asses a resolution of disapproval within 30 days. This one House veto procedure for onenumerated bidding system provides a check on the flexibility of the Secretary to e new systems, but at the same time imposes a responsibility on the Congress to roperly review new proposed bidding systems in the short required time-frame.

In addition to this mandate Congress also detailed other special procedures for use of new systems—submission of an annual report on use of new bidding systems,[22] a limitation on joint bidding by the largest oil companies [23] and a notice provision for use of systems in upcoming lease sales.[24]

2. COMPETITION ANALYSIS

In addition to mandating use of new bidding systems, the OCS Amendments contain numerous other provisions to further its expressed purpose, "to preserve and maintain free enterprise competition." Prior to awarding a lease, for example, the Attorney General is given the discretion to review the competitive effects of the sale and recommend appropriate action to the Secretary of Interior.[25] Moreover, throughout the OCS leasing process, from preparation of a leasing program, promulgation of regulations and analysis of activities, the Secretary of Interior is to give "due consideration" to the views of the Attorney General in consultation with the Federal Trade Commission. The Amendments explicitly indicate that these competitive reviews and analyses be closely monitored by Congress to determine if and how they are made, how they impact activities, and how e agencies are cooperating. To assure such oversight, the conference port on S. 9 specifically requires that any recommendation by the ttorney General and the FTC should detail the reasons for such commendation, including the pertinent factual and policy considerions, and legal precedents, if any.

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[22] In order to track the development of the use of new bidding systems and to insure that purposes and policies regarding the new bidding systems are carried out, the 1978 OCS Amendments require that within 6 months after the end of each fiscal year, the Secretary of Energy in consultation with the Secretary of the Interior submit a report to Congress concerning the use of the various bidding options. The report is to include a schedule of the lease sales in the past year or to be held in the following year and the bidding systems which have been or are to be used. The report is also to include an analysis and evaluation, if applicable, of why a system has not been or will not be utilized and if applicable, why the bonus bid system was used or is to be used in more than 60 percent of the areas actually leased. Finally, the report is to include an analysis of the so-called dual leasing option which is not provided in the Act, where leases would be granted just for exploration with exploration leasees sharing in the costs of exploration and receiving a share of revenues from the sales of subsequent development and production leases. This report is to be reviewed by Congress in conjunction with other information obtained to insure that the mandates in the OCS Act are being properly adherred to, and to ascertain whether changes in the Act are necessary.

[23] This so-called "joint bidding ban" was first established administratively on September 26, 1975, when a ban was placed on joint bidding among major oil companies with an average worldwide production of more than 1.6 million barrels of oil. This step was announced September 26, 1975. However, the applicable regulations were amended on January 23, 1976, pursuant to the enactment of the Energy Policy and Conservation Act, P.L. 94–163 (89 Stat. 871), which provided an exemption from the bidding ban for areas subject to extremely high risks and unusually high exploration and development costs. The 1978 OCS Amendments legislate the joint bidding ban but allow exceptions when a showing of high cost exploration or development problems has been made.

[24] The OCS Act contains a provision providing that 30 days prior to a lease sale, a notice must be sent to Congress and published in the Federal Register, identifying bidding systems to be used in that sale, designating tracts to be leased under the various systems, and why a system is being used for a tract. The provisions will give the Congress and the public advance information on lease sales. It will be necessary for the Congress to digest this information and follow the progress of each lease sale. In so doing, the Congress can be assisted by relying on the General Accounting Office to evaluate each lease sale in new areas, as it has done for prior sales at the OCS Committee's request.

[25] Responsibility for the review of the competitive effects of a lease sale is given to the Attorney General and it is discretionary. However, the Attorney General is to consult with the Federal Trade Commission in making any review, in securing information and in making recommendations. It is the responsibility of the Secretary of the Interior and the Secretary of Energy to expeditiously provide such information as may be required to conduct any competition review. The Attorney General, after consultation with the FTC, may make recommendations as to whether a lease sale or sales indicate a situation "inconsistent with the antitrust laws." The Secretary of Interior is free to accept or reject any recommendation. He may accept a bid and award a lease despite any recomemndation from the Attorney General, so long as he notifies the lessee and the Attorney General of the reasons for his decision. He may, of course, accept the recommendations and refuse to accept an otherwise qualified bid and not award a lease. There is not requirement of a hearing prior to this decision of this decision of the Secretary. In addition, the failure of the Secretary to accept a recommendation is not a basis for an independent cause of action against a sale or lease award.

3. LEASING PROGRAM

The original impetus for OCS reforms was an accelerated leasing rogram proposed by the Nixon Administration. While the original 0 million acre per year proposal was modified during the Ford Adinistration and then substantially revised by the new Secretary of e Interior, Cecil Andrus, it still raised concerns that a proper balnce of energy needs and environmental risk might not be maintained nd that the timing and manner of leasing might not be properly nalyzed. To answer these concerns, the 1978 OCS Amendments reuire the Secretary of Interior to prepare, periodically revise, and aintain a five-year oil and gas leasing program to implement the olicies of the Act.

The Secretary is to consider all relevant opinions and values, preare a proposal and submit it to Congress and others affected and then romulgate and follow a schedule.[26]

4. SAFETY AND ENVIRONMENTAL PROTECTION

One continuing expressed concern raised about OCS activities were he possibilities of spills or other adverse environmental effects, and he need to insure adequate health and safety protection by all offshore perators. While the Department of the Interior, the Coast Guard, he Environmental Protection Agency, and other agencies had issued orders, regulations and rules,[27] Congress believed that legislation and not just discretionary requirements were needed.[28]

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[26] Specifically, the leasing program is to consist of a schedule of proposed lease sales indiating the size, timing, and location of leasing activity which he determines will best meet ational energy needs. The program is to consider the economic, social, and environmental alues of the renewable and nonrenewable resources of the OCS and the potential impacts f OCS activities on the marine, coastal and human environments. In so doing, the Secretary hall attempt to strike a proper balance between the potential for environmental damages, he potential for the discovery of oil and gas, and the potential for adverse impact on the oastal zone.

During the preparation of the proposed five-year leasing program, the Secretary is to nvite and consider the suggestions from interested Federal agencies, including the Attorney General, in consultation with the FTC and the Governor of any affected State. The Secretary may also invite or consider any suggestions from the executives of any affected local government. Hence, the Secretary shall seek the input from a wide variety of sources and open up the OCS-decision-making process regarding the formulation of a leasing program. In addition, the Secretary shall reply in writing to a Governor's request to modify the leasing program, and he may modify such program if he feels that it is appropriate. So that the Congress can monitor the development of the proposed leasing program, and insure that the recommendations of the Governor's and others are properly considered, all correspondence between the Secretary and the Governors of affected States and any other related information shall accompany the five year leasing program when it is submitted to the Congress. Such program is to be submitted to the Congress, the Attorney General, and the Governors of affected States, and published in the Federal Register within nine months after the date of enactment. The Attorney General after consultation with the FTC, is to submit comments on the effects of the leasing program upon competition. Furthermore, any State, local governments, or other persons may submit comments and recommendations regarding any aspect of the proposed leasing program. When the Secretary submits the proposed leasing programs to Congress, he shall indicate why any specific recommendation of the Attorney General or a State or local government was not accepted. No later than eighteen months after the date of enactment, no lease shall be issued unless it is for an area included in the approved leasing program. Accordingly, the responsibility of the Congress to insure that the views of all interested parties are fully considered by the Secretary in the preparation of the five-year leasing program, and that such program is a balanced one, is great.

To provide for safe OCS operations, the 1978 OCS Admendments require use of the best available and safest technology economically achievable, provide for investigations of spills and fires, allow review of individual allegations of safety violations, and provide increased civil and criminal penalties for violations. In addition, the 1978 OCS Amendments require that the Secretary of the Interior and the Secretary of the Department in which the Coast Guard is operating, in consultation with other appropriate Federal agencies, immediately commence a joint study of the adequacy of existing safety and health regulations and of the technology, equipment, and techniques available for OCS activities, including exploration, development and production. Thereafter, the President is to submit a plan to the Congress of his proposals to promote safety and health in OCS activities.

The Amendments contemplate that Congress will review this plan and, if necessary, suggest changes.

To provide for adequate environmental concerns, the 1978 OCS Amendments provide for suspensions and cancellation of leases for serious environmental dangers, provide for protection of clean air standards of adequate coastal zones, provide for environmental reviews prior to lease sales and also at least once in every undeveloped area, prior to major development. In addition, the OCS Amendments require environmental studies of all proposed lease sites, a monitoring of these sites for environmental effects from OCS operations, and predictive analyses of proposed OCS activities. It was the express intent of these provisions that environmental safeguards be promptly and fairly promulgated and implemented. Only oversight can assure that the goals are accomplished.

5. STATE AND LOCAL GOVERNMENT INVOLVEMENT

Principal advocates of OCS reforms were coastal states and local governments within such states. In areas adjacent to new and proposed OCS lease sales, concern about impacts, adverse, neutral, or beneficial, and about the necessary planning that they will need to undertake to handle OCS impacts led at first to total opposition to lease sales in previous undeveloped (frontier) areas and then to acceptance of leasing, but only if reforms were adopted.

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[27] Many of the regulations were promulgated under the general provisions of the 1953 Act. When Secretary Andrus assumed office, he began an exhaustive re-evaluation of existing requirements. For example, to ensure that OCS oil and gas operations are carried out in a safe manner and that risks of environmental damage are minimized, it is important that highly qualified personnel are employed for OCS operations. Therefore, on December 30, 1977, the USGS established standards for training and qualification of personnel in well-control equipment and techniques for drilling on Federal leases on the OCS. Similarly, in an effort to protect the environment, on October 4, 1977, the Department of the Interior revised regulations that authorize the suspension of any OCS oil and gas operations that threaten immediate, significant damage to life, property, and the environment.

[28] For example, OCS safety has been the concern of both the Occupational Safety and Health Administration (OSHA) and the Coast Guard. One key aim is worker's safety. Coast Guard issued interim "emergency regulations" for divers in 1975. However, they were withdrawn on threat of a court injunction. In response to OCS Committee hearings, on November 5, 1976, OSHA published a notice of proposed rulemaking and notice of public hearings concerning commercial diving operations. Pursuant to a Coast Guard/OSHA memorandum of understanding, the Coast Guard joined OSHA in the public hearings. On July 22, 1977, OSHA published their final commercial diving standard. In accordance with section 4(b)(1) of the Occupational Safety and Health Act of 1970, the OSHA standards do not apply to those diving operations over which the Coast Guard exercises its statutory authority. On its part, the Coast Guard issued proposed commercial diving regulations on November 10, 1977. After consultation with OSHA, the Coast Guard's final diving safety regulations were promulgated recently.

Response to these concerns were slow. State input into decisionmaking by the Department of Interior was opposed by the Nixon and Ford Administrations as an "infringement" on federal jurisdiction. In fact, it was only after hearings by the House OCS and Senate Interior Committees and a push for reforms, that then Secretary of Interior Kleppe on October 2, 1975, approved the establishment of an Outer Continental Shelf Advisory Board, made up of state and Federal officials to advise the Secretary of the Interior on policy issues related to the OCS leasing program.[29]

The status of the Board and the input of the Governors and local officials was still a question of administrative grace. Under the 1978 OCS Amendments, the views of the states, and through the states, local governments are to be solicited on all major OCS decisions. There is no "veto" but the views must be carefully evaluated and any rejection of advice or recommendations has to be explained and justified.

Similar problems and resolutions arose as to information to go to states. The Interior Department opposed impact and other data obtained from leases and operators being made available to state representatives. It was only in response to Congressional expressions of concern that on November 4, 1975, the Interior Department promulgated regulations (30 CFR 250.34) providing for the submission to the Governors of directly affected States the development plans of lessees operating off their shores. The development plan includes descriptions of "all offshore and onshore facilities and operations proposed by the lessee or directly related to the proposed development, including location, size, requirements for land, labor, materials and energy, and timing of development and operation, and other related information . . ." However, trade secrets and proprietary information were not to be provided to the States.

The 1978 OCS Amendments codify and strengthen these requirements. Exploration and development and production plans are to include statements as to on-shore impact. This and other information, and summaries of data, are to be available to states—with adequate protections for the confidentiality of proprietary data.[30]

In addition, the Amendments provide that the Secretary of Interior is to receive notice by an agency of OCS actions. Governors will thus be able to look to one person—The Secretary—to secure information about any federal government OCS action affecting areas under their jurisdiction.

Of course, these requirements for input and information must be monitored by Congress to insure that decision-making is, in fact, open, and that activities are, in fact, based on informed planning.

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[29] In its liaison capacity, the Board is composed of representatives from 22 coastal states and Pennsylvania and from the private sector. Non-voting representatives on the Board include the Environmental Protection Agency, and the Departments of State, Defense, Transportation, Commerce, Energy, and the Council on Environmental Quality. As a technical counterpart of the Board, an OCS Environmental Studies Advisory Committee was formed.

[30] In response to the passage of the 1978 Amendments and to commence implementation as expeditiously as possible, Secretary Andrus has promulgated regulations conforming with these requirements. The regulations for the submission by oil and gas lessees on the OCS of plans for exploration and development and production activities were revised on January 27, 1978. Two sets of regulations were promulgated, one covering information to be provided to and by the Bureau of Land Management, the other information to be provided to and by the USGS. The information to be provided to affected states and local governments was further expanded to include the preparation of a Summary Report, derived from confidential information, to assist affected States in planning for OCS-related impacts.

6. LAWSUITS AND DELAYS

Public concern over the accelerated leasing program and its environmental ramifications brought about a number of lawsuits which have had the deleterious effect of delaying OCS development. This phenomenon was noted in the Senate debate on the conference report on S. 9 to include, among others, the following:

> . . . the NEPA lawsuit filed on November 1, 1971, attempting to block a Gulf of Mexico lease sale; the suit filed on December 14, 1973 to block the MAFLA OCS lease sale; the 1974 suit to halt the Gulf of Alaska lease sale; the March 9, 1976 suit against the already delayed Gulf of Alaska lease sale; the suit filed on February 11, 1976 that halted the Middle Atlantic OCS lease sale; the suit filed on February 1, 1977 to block the Lower Inlet OCS lease sale; and most recently the suit of January 17, 1978 which halted the proposed Georges Bank lease sale. This list does not include the countless number of suits that have been filed in various State courts. (Congressional Record, August 22, 1978, p. S13995)

Most agree that the main reason for delays in OCS development have been the lawsuits which even when successful have led to extensive stays of activities. Throughout the hearings on the OCS committee, it became clear that much of this delay could be avoided—first, by eliminating the basis for OCS opposition and second by providing a better mechanism for citizen suits.

As to the substantive issues, with the enactment of the 1978 OCS Amendments and the establishment of a more credible OCS leasing program, it is expected that delaying lawsuits will be reduced to a minimum. A few illustrations highlight this.

States, local government and environmental organizations filed suit in 1975 to stop the lease sale 40 in the Baltimore Canyon trough, of the coasts of New York, New Jersey and Delaware. They were successful in the District Court—first in a preliminary injunction in 1976 and then a final injunction in 1977. And while these decisions were eventually reversed in the appellate courts, OCS activities were delayed for over two years. A review of the lawsuit, the lower court opinion, and the eventual resolution made it clear that the OCS Amendments would have cured the ills resulting in the delays.[31]

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[31] After several plaintiffs brought suit to enjoin lease sale No. 40, on August 13, 197 U.S. District Court Judge Jack B. Weinstein ordered a temporary injunction against th sale, stating, among other things, that the Department of the Interior failed to adequatel consider potential adverse impacts on coastal areas. Subsequently, the temporary injunctio was stayed at the last minute by the Second Circuit and upheld by Supreme Court Justic Marshall, sitting as Circuit Justice. On August 17, 1976, the first Atlantic OCS lease sa No. 40 was held, drawing bids of $1.1 billion, about twice as much as expected. In this s called Baltimore Canyon lease sale, in an area with potential production as much as 1 billion barrels of oil and 9 trillion plus cubic feet of natural gas, 154 oil and gas tracts wer eventually leased. However, the court delays did not end there. The matter came up afte the sale for a hearing on the question of a permanent injunction. On February 17, 197 Judge Weinstein granted the injunction, declaring the leases null and void on the ground that the sale violated the National Environmental Policy Act of 1969. Judge Weinstein hel that the Secretary of the Interior's EIS was inadequate for the following reasons:

1. The Secretary ignored the practical effects of local governmental licensing, pe mitting, and review powers in the EIS; i.e. the Secretary assumed that the oil and g would be transported by pipelines and he failed to consider the effects of either t refusal of state or local governments to allow pipelines, or the effects of transporta the resources by tankers;

More recently in 1977, states and environmentalists to stop the lease sale 42, in Georges Bank off the coast of Massachusetts. Specifically, the suit was filed by the State of Massachusetts and the Conservation Law Foundation of New England in order to protect one of the world's richest fishing grounds. Their contention was that the Federal Government did not require adequate safeguards from oil companies to protect the Georges Bank fishing grounds. After three days of hearings, Judge Garrity found that the potential "irreparable harm" suffered by the plaintiffs in the case was considerably greater than the harm suffered by the oil companies bidding on the leasing rights.

Therefore, on January 29, 1978, U.S. District Judge W. Arthur Garrity, Jr. issued a preliminary injunction against the bidding on the Georges Bank lease sale No. 42, scheduled for January 31, 1978 to offer 155 tracts covering 882, 443 acres.

This decision has been upheld by the First Circuit Court of Appeals.

The bases for the judge's decision were the problems and conflicts between OCS energy potential and other offshore interests. Without increased protections to fishermen and other interests, and the possibility of compensation for injuries, the sale had to be enjoined. The court made explicit reference to the proposed OCS Amendments.[32] These Amendments are now law. The defects leading to the injunction are now cured. At least one of the parties and court have indicated that the injunction might soon be lifted.

Perhaps the clearest example of the effect of the new OCS reforms on proposed litigation is the Southeast George Embayment lease sale No. 43, held on March 28, 1978. The sale included 224 tracts covering 1,275,273 acres.

The OCS committee staff met, just prior to the sale, with representatives of the State of Georgia and environmental groups from Georgia

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2. The Secretary failed to consider the environmental impacts of specific pipeline routes, when such analysis is not only possible and required by NEPA but it is routinely done by industry;

3. The peak oil and gas production was greatly overestimated and the costs of production were understated, thus effectively overrating the value of the entire project;

4. The Secretary failed to consider the possible impacts of particular tract-selection choices on the feasibility and sites of pipelines; there was no consideration of the alternatives of either excluding industry preferred tracts, or including less highly desired tracts in the final sale offer because of related onshore impacts and developments; and

5. The Secretary failed to consider the alternative of separating exploration from production leasing. The court found that this alternative approach was inadequately considered and too easily rejected as not possible under OCSLA. Alternatives are not *ipso facto* unreasonably merely because it would require legislative action for implementation (citing *NRDC v. Morton*). Further, the issue of the separation of exploration, development and production was being considered by Congress and therefore, the issue is not so "remote and speculative" to fall within the "rule of reason" in applying the requirements of NEPA. Thus, the court concludes that there was not an adequate consideration of an important alternative (which is well-settled by the courts as being a requirement of NEPA)—separation of exploration from leasing for production—and, further, the agency's decision to hold Sale #40 was not based on a good faith consideration of this alternative, whether or not legislation is needed to carry it out.

The Interior Department appealed the decision and on August 25, 1977, the 2nd U.S. Court of Appeals upheld the legality of the sale, concluding that the environmental analysis of the government was adequate. In fact, in reversing Judge Weinstein's decision, the appellate court concluded that the Secretary of the Interior, adopting the procedures mandated by the impending OCS legislation, could adequately monitor future activities in the lease sale area and their impacts. Finally, on February 21, 1978, the Supreme Court refused without comment, to hear a complaint by Suffolk County, N.Y. and by a citizen's group the Montauk, L.I. that the 1976 Baltimore Canyon sale was illegal. This action cleared the way for the oil companies, which had purchased leases and were obtaining the proper permits, to begin exploratory drilling.

[32] Judge Garrity said that it would be a violation of the duty of the Secretary of the Interior to receive bids on the Georges Bank area previous to congressional action on the pending OCS legislation. Earlier in January the Governors of nine East Coast states requestion that Secretary Andrus put off the sale until after passage of the Outer Continental Shelf Lands Act Amendments.

that were contemplating filing a suit to block the sale. The Committee staff briefed them on the proposed 1978 OCS Amendments and their applicability to the sale, and as a result they were persuaded not to file a lawsuit. Hence, the Southeast Georgia sale proceeded without any legal delays.

The Congress realized that OCS reforms will not stop all lawsuits. The Congress also learned that the fragmented litigation of the past could be limited. Thus, the 1978 OCS Amendments provide an expedited judicial review procedure. Citizen suits are authorized but in a streamlined manner. In many cases, legal challenges are to be handled in an expeditious manner through administrative proceedings and court challenges limited to review in the federal appellate courts.

7. OIL SPILLS

Fears, justified and unjustified, about the effect of OCS spills and the economic and aesthetic costs of any spills, led to opposition to OCS activities. In fact, the first public consciousness of OCS activities arose from the offshore spill in the Santa Barbara Channel in 1969. These concerns were heightened by a series of tanker spills out and then by a foreign offshore spill.

On December 15, 1976, on the shoals off Nantucket Island, Massachusetts, the *Argo Merchant* ran aground and split in two, pouring 7.6 million gallons of heavy industrial oil near the North Atlantic coast. Although the U.S. Coast Guard quickly took control of the rescue and cleanup operations, the strong 50-knot winds and 15-foot waves greatly hindered containment and cleanup activities. Besides underscoring the dangers associated with the lack of safety and sound construction certification for oil tankers, which for the most part fly "flags of convenience", the disaster generally demonstrated the obvious limitations of present pollution prevention and cleanup technology whether from a tanker, pipeline or even from a rig or platform.

The Coast Guard was barely into its investigation of the *Argo Merchant* incident when the Liberian-registered tanker, *Olympic Games*, plowed aground in the Delaware River, releasing 133,500 gallons of light Arabian crude oil.

More recently and even more dramatic was the largest oil-spill on record. On March 16, 1978, the *Amoco Cadiz*, registered under the Liberian flag of convenience, ran aground 9.5 miles off the coast of Brittany, France, spilling 1.6 million barrels of light Arabian and Iranian crude oil. The spill, which equates roughly to one-fifth of the U.S. daily crude oil imports, eventually affected an almost 700 mile area, and the total cleanup costs are expected to total about $300 million. Additionally, the disaster has brought about hundreds of millions of dollars in lawsuits that may take years to resolve. Heretofore, the largest tanker oilspill had been the 1967 *Torrey Canyon* disaster.[23]

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[23] Of course these spills, while raising fears about OCS activities really demonstrated the value of offshore oil development. These and other tanker spills illustrate that OCS exploration and development should be safer than relying heavily on tanker transportation of imported oil: which has reached the rough equivalent of 30 *Argo Merchant* shiploads per day. For example a study by Science magazine found that, "Tankers are the source of the highest volume of oil spilled each year and platforms have the lowest volume * * * without petroleum production from the Atlantic Outer Continental Shelf, imports of crude oil and petroleum products will increase, and the concomitant use of more tankers will increase the number of collisions and accidents along with deliberate spills occurring in the Atlantic Coastal waters."

One event vividly dramatized the risks that accompany offshore oil and gas operations—that is, the North Sea oil platform blowout of late April 1977.

Over a 7 day period in April of 1977, over 147,000 barrels of oil were dumped into the Norwegian North Sea, creating an oil slick over as much as 300 square miles. The blowout occurred on the Bravo platform operated by the Phillips Petroleum Co. in the Ekofisk field. Apparently some tools had been dropped into the well hole obstructing the flow, and when the crew was readying the well for re-working, it began to blow. In the confusion of the night, the blowout preventor was installed backwards. The well raged out of control for days until two American troubleshooters, "Boots" Hanson and Paul "Red" Adair, were finally successful in subduing it.[34]

The North Sea blowout resulted in the loss of as much as 8.2 million gallons of oil worth over $2 million, and forced the shutdown of production operations in the entire area. The cost alone for "Red" Adair and company to squelch the blowout was reported at $6.6 million. In addition, the cost in damages to the platform and equipment, and cleanup expenses were substantial. The real extent of environmental damages and harm to fishery resources, if any, is unknown. The blowout conclusively demonstrated the very real environmental threat posed by offshore drilling, the inadequacy of offshore pollution cleanup technology, and the inadequacy of onsite safety equipment and regulation.

These tanker spills and the Ekofisk offshore spill clearly demonstrate the need for an oil pollution liability compensation system to clean up oil spills and compensate victims for oil pollution damages. Pending the enactment of comprehensive oil spills legislation, which died in the waning moments of the 95th Congress, the Congress had included in the 1978 OCS Amendments an offshore oil pollution compensation fund for clean-up costs and damages resulting from oilspills related to OCS activities. Operators of offshore facilities are liable for removal and clean-up costs, and other damages up to $35 million; and the liability of the operator of a vessel is established a $250,000 or $300 per gross ton. The Fund, to be financed by an up to three cent per barrel fee from producers, would pay for damages beyond that. The Fund is established in the Treasury of the United States, and is to be maintained at a level not less than $100 million and not more than $200 million. Congressional oversight will be necessary to determine the adequacy of this fund.

8. REGULATORY REFORMS

In addition to the specific problems and reforms already detailed, the OCS Amendments attempts to codify, clarify, and coordinate present regulatory promulgation and enforcement. One of the consistent complaints about government in general is the strangling and expensive overregulation of activities by numerous agencies and departments. In addition, concern, often justified, has been raised about the possibility of unnecessary delays involved in and caused by regulations.

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[34] Just 3 weeks before the incident Mr. Adair had been quoted by the British media as warning that a "fearsome accident" in the North Sea was inevitable, and that when it came, the safety equipment available for the North Sea rigs would be inadequate to contain it. Testifying later before the House Ad Hoc Select Committee on the OCS on the catastrophe, Mr. Adair indicated that what was needed was a well-equipped semi-submersible, like the "Big Red One", which has a fire pump that spurts out better than 30,000 gallons a minute, a machine shop, a hospital and other equipment to combat disaster situations involving drilling platforms. Mr. Adair's semi-submersible rescue vehicle would cost about $50 million and would be able to fight blowouts and fires for long periods of time in rough seas. Apparently, foreign countries are way ahead of the United States in ordering this type of equipment.

As to OCS activities, new regulations are required by the OCS Amendments[35] and if properly implemented should not only cause no additional time delays[36] but in fact specifically reduce delays in same areas. Such reduction should result from five factors.

First, many of the regulations have already been promulgated. Second, the Act is explicit that regulations already consistent with the 1978 Amendments were not to be repromulgated and that appropropriate present rules may be retained until new ones are in place. Third, existing leasing is to continue until a leasing program is finally established. Fourth, lawsuits should be reduced by new regulatory procedures and review mechanisms. And last, clear coordinating responsibility is given to one agency—the Department of Interior—to avoid delays.[37]

One last area which potentially can reduce delays in OCS activities involves new, detailed diligence requirements on OCS leases.

In the aftermath of the 1973 Arab Embargo, much public concern arose over the possibility of lessees withholding oil or gas from production in order to accrue higher prices down the road. Publicity about such withholding spurred the Secretary of the Interior into action. In March 1977, Interior announced the creation of a departmental committee to review more than 60 Federal oil and gas leases that are currently not in production as part of a "due diligence" campaign. Further enforcing "due diligence", the Interior Department ordered two companies holding seven leases to deliver details concerning their nonproducing oil and gas leases during a brief extension in their lease. In June 1977, the Interior Department announced the cancellation of two Federal oil and gas leases in the Gulf of Mexico, citing a lack of drilling activitiy. More recently, a study done by the National Research

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[35] As mentioned before, the Secretary of Interior has promulgated some regulations consistent with the 1978 OCS Amendments in anticipation of their enactment. Among other things, this includes steps to improve consultation with the various coastal states and other interested parties, enforcement of due diligence on exisitng leases, and the introduction of the new variation of royalty bidding—the sliding scale royalty leasing method. Regulations, new or revised to be promulgated include provisions:

1. for the suspension or temporary prohibition of any operation of activity; 2. for the concellation of any lease or permit; 3. for the assignment or relinquishment of a lease; 4. for unitization, pooling, and drilling agreements; 5. for the subsurface storage of oil and gas other than by the federal governments; 6. for drilling or easements necessary for exploration, development, and production; 7. for the prompt and efficient exploration and development of a lease area; and 8. for compliance with the national ambient air quality standards pursuant to the Clean Air Act where the air quality of a state is significantly affected.

[36] One of the main criticisms raised by the opponents of the 1978 OCS Amendments was that the legislation would delay OCS development. It is clear that the intent of the Act is not to delay OCS development, but to establish a rational and orderly program for such development. Indeed, at the request of Chairman Murphy, the Office of Technology Assessment compared the time periods provided in H.R. 1614 with the present system and found that "H.R. 1614 does not add substantially to the time periods presently required for the OCS leasing process." The time periods involved in the 1978 Amendments are substantially the same as those of H.R. 1614.

[37] In order to strengthen the coordination of OCS policy, the Congress included a subsection 204(h), which mandates that the head of any Federal department or agency who takes any action which has a direct and significant effect on the OCS or its development shall promptly notify the Secretary of such action and the Secretary shall thereafter notify the Governor of any affected State; and the Secretary may recommend any changes in such action. Expressing the intent of the provision further the Conference Report on S. 9 states: "The head of the Federal departments or agencies which are to submit notification of an action to the Secretary can be compelled by the Secretary to comply with this coordination mandate" (p. 89—emphasis added). The Secretary of Interior, by receiving notice and information on all actions affecting the OCS, will be able to evaluate the overall effect of any particular Federal decision on OCS policy.

Council of the National Academy of Sciences and the National Academy of Engineering showed that, in at least one case out of an analysis of six fields in the Gulf of Mexico, opportunities exist for accelerating production of natural gas in the near term without departing from good technical practice. So while reports of withholding may be exaggerated, there is a basis for legitimate concern.

The 1978 Amendments provide specifically that diligence must be required as an OCS lease term, that companies can lose future leasing rights for lack of previous diligence on other leases and that reports are to be made on shut-in wells.[38]

9. OTHER REFORMS

The 1978 OCS Amendments are an extensive and comprehensive set of reforms. In addition to the areas already noted, the Act—

Establishes fishermen's funds to compensate fishermen for damages to their gear and catch;

Increases assistance to states for planning for and ameliorating OCS impacts in their coastal zones.

Requires more information to be given to the federal government by permittees and lessees to assure a proper determination of the value of the nation's resources and monitoring of activities;

Establishes limitations on OCS oil and gas exports;

provides for new documentation, registry and manning requirements.[39]

V. Implementation and Oversight

As detailed in the previous section, the 1978 OCS Amendments establishes new policies, programs and procedures. With proper implementation, the Act should reduce opposition to off-shore activity, increase competition, provide a balanced leasing program and insure adequate compensation for OCS adverse impacts.

This implementation process must be closely monitored by Congress. Specifically, the Act provides mechanisms for such oversight, and demands Congressional input into future OCS actions. During the next two years, new regulations are to be promulgated; new leasing programs prepared; new bidding systems established and applied; new oil spill, fishermen and coastal zone funds created or expanded; and other new provisions developed. During the next two years, most frontier areas will be leased and exploration in some frontier areas substantially completed.

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[38] The legislation requires that no bid for a lease may be submitted if the Secretary finds, after notice and hearing, that the bidder is not meeting due diligence requirements on other leases. Determinations as to diligence on other leases are to be made prior to lease sale and companies are to be informed prior to such sale if they are disqualified by this provision from bidding on this sale. Such a determination may be appropriately made through a list of ineligible companies—which can be revised periodically. Such a procedure has been utilized in applying present joint bidding bans.

[39] The provision provides for regulations (1) to generally require manning or crewing by U.S. citizens or permanent resident aliens; (2) to require documentation under the law of the United States; and (3) to require certain minimum standards of design, construction, alterations and repair. The provision is based on the principle of reciprocity. Therefore, among other exceptions, the manning or crewing provision can be waived if the President makes a specific finding, as to a particular vehicle or structure, that the application of this requirement would be adverse to the national interest. In addition, the manning or crewing provision will not automatically apply to foreign offshore vehicles or structures. However, if the President finds that a foreign nation, directly or indirectly, by statute, regulations, policy or practice, has adopted a national manning requirement for equipment in its offshore waters, the President may apply this manning or crewing provision.

1. NEW REGULATIONS

The 1978 OCS Amendments, as detailed in the previous discussion, attempts to resolve many of the problems and conflicts involved in prior OCS leasing by detailing requirements for revision or promulgation of regulations. These regulations will generally be promulgated by the Department of Interior, and some by Coast Guard which have indicated substantial progress in that process.[40] The Act provides that in promulgating and enforcing regulations, the Secretary of the Interior is to cooperate with the relevant departments and agencies of the Federal Government and of the affected states. For instance, the legislation provides that "the Secretary shall request and give due consideration to the views of the Attorney General with respect to matters which may affect competition. In turn the Attorney General is to consult with the Federal Trade Commission regarding such matters.

It is obvious that Congress must insure that its intent, policies and purposes are being properly incorporated in new and revised regulations. Accordingly, Congress, through careful oversight, must be intimately involved in the preparation and implementation of rules and regulations.[41] Moreover, one of the primary responsibilities of Congress, again through careful oversight, should be to insure that there are no undue delays brought about by the implementation process. One obvious source or potential delay is the division of responsibility under present law for OCS activities and one purpose of the Act is to provide cooperation and coordination by the numerous agencies involved in OCS actions.[42]

2. REPORTS

As with all major pieces of legislation, the 1978 OCS Amendments seek to facilitate proper implementation by providing for periodic reports on activities, programs and policies.

Annual report

First, the Act amends the general provision of the 1953 OCS Act by requiring the submission of a detailed annual report to Congress within six months after the end of each fiscal year. The report is to be filed in two parts. One report is to be on the leasing and production program;[43] the other, prepared after consultation with the Attorney General, is to include recommendations for promoting competition in the leasing of OCS lands, including any plans for implementing recommended administrative changes and drafts of any proposed legislation.[44]

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[40] The Department of Interior has submitted a chart indicating its predicted dates of implementation with 1978 Amendments which is included in this report as Appendix IA. The Coast Guard has also submitted a chart—Appendix IB.

[41] Under the Act, new regulations are to be applicable to any lease in effect at the date of promulgation, as well as to any lease to be let in the future. The appropriate Secretary is not, however, required to repromulgate regulations already consistent with the 1978 Amendments, and appropriate present and effective rules may be retained.

[42] One example in the division of responsibility for OCS leasing mandated by the Department of Energy Act. Although the conferees attempted to resolve this problem by going through the Amendments section-by-section, delineating the responsibility of the Secretaries of Interior and Energy, some gray areas of jurisdiction may still exist or emerge in the future.

[43] Specifically, the report is to include a detailed accounting of all moneys received and expended; a detailed accounting of all exploration, exploratory drilling, leasing, development, and production activities; a summary of management, supervision, and enforcement activities; a list of all shut-in and flaring wells; recommendations to the Congress for improvements in management, safety, and amount of production from leasing and operations on the OCS, and recommendations for resolution of jurisdictional conflicts or ambiguities.

Obviously, it will be necessary for the Congress to carefully review the annual reports—to assure that the 1978 Amendments are being properly implemented, that OCS activities are being conducted in accordance with Congressional intent and to consider any proposed legislative changes or remedies.

Oil spill fund

The 1978 OCS Amendments, by a separate title, establishes an offshore Oil Pollution Compensation Fund. To assure proper implementation and establishment, the Secretary of Transportation is to submit to the Congress within six months after the end of each fiscal year (1) a report on the administration of the Fund during such fiscal year, and (2) his recommendations for such legislative changes as he finds necessary to improve the management of the Fund and the administration of the liability provisions.[45] The responsibility of the Congress to study this report and make any necessary legislative changes is patent. Furthermore, it is the responsibility of the Congress to insure that there is a smooth transition when the liability provisions of the OCS Act are superceded by the so-called oil spill "superfund" liability bill under consideration by the Congress.

Fishermen's fund

An annual report is also required to be submitted by the Secretary of Commerce to Congress on the Fishermen's Contingency Fund contained in the 1978 OCS Amendments. The report is to include, among other things, a description of the types of damages set forth in claims for compensation during the previous year; the amount of compensation awarded to claimants; and the number of cases where the damages were determined to be the responsibility of lessees or permittees conducting OCS activities. In addition, after consultation with the Secretary of the Interior, the Secretary shall include in the report an evaluation of the feasibility and comparative cost of preventing or reducing obstructions on the OCS by imposing fines or penalties or requiring bonding on the part of those persons conducting OCS activities. Again, the Congress must adequately examine the report on the Fishermen's Contingency Fund and make any legislative changes necessary, particularly regarding possible fines, penalties or bonding requirements.

Lease sales

Thirty days prior to a lease sale, the Department of Energy is to report to Congress and publish in the FEDERAL REGISTER specific information as to which tract will be offered for sale and why, which bidding systems will be offered for sale and why, and which tracts are to be matched with which bidding systems and why.

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[44] The report on competition is to include an evaluation of competitive bidding systems, and if applicable, the reasons why a particular bidding system has not been utilized, and why new alternative bidding systems should or should not be used; an evaluation of the effectiveness of restrictions on joint bidding in promoting competition; an evaluation of measures to encourage the entry of new competitors; and an evaluation of measures dealing with supplies of oil and gas to independent refiners and distributors.

[45] In addition, periodic reports are to be sent to Congress by the Secretary of Transportation pertaining to the desirability of adjusting the monetary limitations of liability specified in the Act as pertains to oilspill liability.

Training

The Secretary of the Interior is to submit a report to Congress not later than 90 days after the date of enactment, setting forth a program to assure individuals working on the OCS proper training to operate or supervise operations or activities and equipment on the OCS.

Resource investigation

The Secretary of the Interior is to send to Congress within one year after the date of enactment, a report indicating and detailing costs of operating the program established under Section 606 of the Act that requires investigation of availability of resources on the OCS. The Secretary must also report periodically to the Congress on the information obtained from such investigations.

New bidding systems

Before a use of any bidding system that is not specifically detailed in the new law, the Secretary of Energy must submit the new bidding system to Congress. If neither House of Congress vetoes the system, it may be implemented.

Leasing program

Within nine months after the date of enactment of this law, the Secretary of the Interior must submit a proposed leasing program to the Congress, the Attorney General and to the Governors of affected states for consideration and comment.

Environmental report

At the end of the fiscal year, the Secretary shall submit to the Congress an assessment of the cumulative effects of activities conducted under the Act on the human, coastal and marine environment.

Safety

An Annual Report must be sent to Congress on all violations of safety and health rules (as well as be available to the public upon request), as well as information on all major accidents and deaths.

Exports

Under the 1978 Amendments and in accordance with the Export Administration Act of 1969, OCS oil and gas may not be exported unless the President makes a specific finding that such exports will not increase reliance on imported oil or gas and are in the national interest. Such determination by the President must be reported to and considered by Congress. If within 60 days, Congress passes a concurrent resolution of disapproval stating disagreement with the President's finding concerning the national interest, such exports shall cease.

Others

Other reporting requirements of the 1978 OCS Amendments of interest to Congress, include a review of shut-in or flaring wells, a review of royalty payments, and a review of disclosures pursuant to the sunshine in government provision.[46]

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[46] A list of required reports is included as Appendix III.

3. REMAINING OCS PROBLEMS

As all who observed to history of the 1978 OCS Amendments realize, many of the provisions of the new law were controversial and technical and involved careful compromises. Many of the compromises were premised on future Congressional review, consideration, and possibly action.

Federal exploration

The House and Senate bills contained very different provisions on the government's right to authorize or conduct pre-lease drilling.

The House deleted any mention of Federal exploration from its bill, while the Senate contained extensive authority for exploration by the Federal government. The conferees compromised—the question of authority for the government to conduct exploration remains unchanged from the 1953 language.

A similar compromise was adopted as to pre-lease permits for onstructure drilling.

Currently, the Department of the Interior states that they have the power to explore or issue pre-lease exploration permits under authority of the 1953 Act. The real question and controversy has now arisen as the Federal government has recently proposed pre-lease exploration by permit and is applying this new procedure based on its contention that the 1953 Act, unchanged by this new law allows for onstructure drilling.[47]

Environmental and safety regulation and enforcement

The 1978 Amendments provide for clean air regulations when OCS activities significantly affect the air quality of an adjacent state. These regulations are to be promulgated by the Department of Interior.

As outlined in the Conference Report, provisions of the new law would be subject to any pending court cases involving EPA's opinion that EPA's ambient air quality standards apply to the air over the OCS. However, while there was knowledge of an upcoming court suit, it was the intent of the conferees that the air quality standards under this Act applied only to the air over a state affected by OCS activities. This conflict of interest—the question of applicable air quality standards—still remains a problem.

Sections 21 and 22 of the new law provide comprehensive language for safety regulation and enforcement. However, the act urges the President to submit a study of the adequacy of present health and safety regulations and proposals to promote safety and health to Congress. Obviously, the development of safety and health standards on the OCS and their enforcement are particularly important and strict application of Congressional intent and careful Congressional review of recommendations are vital to the success of this program.[48]

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[47] A related issue is dual leasing. The Senate passed bill contained authority for dual leasing, providing for leases for exploration alone and development alone. During action on the Floor, dual leasing was rejected by the House. The conferees decided to delete authority for dual leasing but called for a study of the concept and directed the Department of the Interior to report to Congress on the results of this study.

Competition

As detailed earlier, the new act mandates use of new bidding systems and other competitive actions. In the past, the OCS Committee has used reports and briefings by the General Accounting Office on prior lease sales as a bases to monitor the use of and competitiveness of new systems. However, during the next two years, almost all frontier areas will be coming up for leasing.

Use of new systems can be avoided by the Secretary of Interior in certain circumstances. Congress must assure that new systems are effectively utilized or if not used that adequate reasons are detailed.[49]

Another competition issue—still troublesome—is pipeline pricing. The 1978 Act includes a provision that seeks to provide the opportunity for all lessees to have equal opportunity to ship oil via a pipeline without having pipelines covering the entire coastline. This opportunity will also cut back on the potential for oil spills by limiting massive transport of oil to shore via small tankers.

During the consideration of the Conference Report on S. 9 on the Floor of the House, several points were raised that did not agree with the conclusions of many of the conferees as to the intent of the legislative language and indicate that this provision could be interpreted differently than was intended by the conferees.

Finally, sections 205(b)(7) (Small Business) and Section 27 (Federal Purchase and Disposition of Oil and Gas) were designed to maintain and increase participation by small and independent oil firms in OCS activities. Currently, it is estimated that small and independent refiners of oil and gas are involved in approximately 26 percent of all OCS oil and gas activity. While this figure has varied from time to time, it is significant.

Under the provisions of Section 205(b), small and independent firms are to receive 20 percent of all OCS oil and gas liquids. Some concern has been raised that if this provision to apply to all OCS activities, new leases and leases currently in effect, there may be questions concerning contract obligations and normal market activities.

The intent of the Act is to more actively involve independent firms. However, under the provisions of the new law, a "finding" is required before small firms may receive OCS purchased and royalty oil or gas. This could limit the benefits as under the old provisions it has recently been estimated that small and independent firms received approximately one-half of royalty oil.

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[48] This is also an area where Congress must assure coordination of the various agencies having safety responsibility. For example, legislative language clearly points out that the lead role is to be played by the Coast Guard, but the conferees direct the Coast Guard to consult with OSHA or any other agency having expertise in the various areas of health and safety.

Another issue involves penalties. While the Coast Guard has specific and increased responsibilities under the 1978 Amendments the penalties available to it are through the Interior Department. How will this necessary cooperative effort work? Will the Coast Guard go to the Department of the Interior for authority, or will they apply penalties available to them under their generic authority?

[49] The OCS Committee has already commenced a review of recent sales and use of new systems. On September 11, 1978 Chairman Murphy requested that the General Accounting Office prepare a study of the Southeast Georgia Embayment sale to analyze the competitive aspects of the sale, the reliability of tract evaluations, the use of royalty and bonus bidding from a comparative standpoint, and other facets of the sale. This study will assist the Congress in its efforts to monitor OCS lease sales, particularly in frontier areas.

Domestic manning and documentation

Section 30 of the new law requires a judgment on the part of the Administration as to when retaliatory action as pertains to hiring foreign employees on the OCS will be taken. While it is clearly in the hands of the Administration, Congress, through a series of three votes on the Floor of the House, was quite clear in their intent that American workers were not to suffer as a result of discriminatory hiring practices of foreign nations. It is vital that Congressional intent be followed in the implementation of this provision. In view of the fact that a number of foreign countries involved in OCS activities do have domestic manning requirements, it will be the responsibility of Congress to insure that true reciprocity is enforced, and that the national interest is indeed served where specific vessels or facilities are exempted for the manning requirement.

Role of States and local governments

The 1978 OCS Amendments have taken a major step forward in state relations by providing for extensive and active involvement by states and local governments in policy decisions that could affect their coastal environments and activities, as well as providing considerable financial assistance for coastal states. Questions will arise concerning how the states will implement these new programs, particularly as relates to the rọle played by local governments since the Act requires that local governments are to act through the Governor and are dependent as to their degree of activity upon the state governments.[50]

Definition of minerals

Under the Act, a new definition of "minerals" not only applies to oil and gas, and sulphur, but also includes, "geopressured and geothermal and related resources". It is uncertain how the provisions of the OCS law are to be practically applied to these new techologies, as they are not as yet proven to be financially competitive or commercially feasible as a whole and are still considered to be "in the demonstration phase". For example, how can "geothermal stem" be transported from the OCS to land feasibly, when it becomes technically and economically impractical to transfer the steam on land for more than 12 to 20 miles? Will electricity have to be generated on the OCS, then, in turn, transported via power lines to land?

VI. FURTHER ACTIVITIES OF THE AD HOC SELECT COMMITTEE ON THE OUTER CONTINENTAL SHELF

In April of 1974, the House created the Ad Hoc Select Committee on the Outer Continental Shelf to bring together in one central body the expertise and resources necessary to properly solve OCS problems, and to establish a program that would accelerate development and production of OCS energy resources, while, at the same time, increasing competition, and protecting the marine, human and coastal environment.

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[50] The 1978 OCS Amendments included several amendments to the Coastal Zone Management Act of 1972, providing for an increase in grants to states and changes in the procedure and formula for distribution of those grants. The test of time has shown that some changes were necessary in the complicated program set up by that Act, and it is not inconceivable that changes might be necessary in the near future, particularly due to the expansion in the program. The Coastal Energy Impact Program, revised by the 1978 Amendments, which is of such importance to the States, will require close congressional oversight.

It took over four years for this bill to be signed into law (P.L. 95-372)—after numerous hours of hearings, testimony, and investigation; and two attempts of passage, once in the the 94th and once in the 95th Congress.

The need for this new legislation, amending the 1953 OCSLA, has previously been outlined. Shortly after the Committee began investigations, however, it became obvious that scope of the Committee's work would have to be broadened beyond what was expected if all of the existing and potential problems inherent in OCS activities were to be solved.

As a result, the legislation that was signed into law in September of 1978 covered subject and issues that are the jurisdiction of approximately nine standing committees of the House and ten Federal departments and agencies.

The need for continuing Congressional oversight—to insure that this new legislation is properly implemented—has also been outlined. During the next two years, most of the revised regulations are to be promulgated and applied; new funds are to be created; a new leasing program designed; and first reports forwarded to Congress. Unless a special procedure is established, the programs, rules and reports, Congressional ovesight will be fragmented among various House committees.[51] Moreover, if bureaucracy is to be limited and coordinated Federal action assured, Congress must be about to take an overview of the entire OCS government apparatus.[52] Again, a special unified Congressional response is essential.

A special procedure has effectively been utilized to write the 1978 OCS Amendments and the special procedure—a Select Committee—can and should be continued—to maximize Congressional input and oversight.

The OCS Committee has already begun this task. Even before passage of the 1978 Amendments, members and staff on the Committee met with government representatives and sought to monitor the promulgation of OCS regulations, many of which were undertaken in anticipation of the new OCS legislation.

After passage, this consultation process has continued often at the request of the government agencies involved.

In addition, members and staff have continued to meet with interested parties about remaining or continuing OCS problems and disputes and have, on occasion, acted as "mediators" on problems.

Finally, the Committee has held two days of comprehensive hearings—requested by private and public entities and groups—to determine the status of implementation of the 1978 Amendments. These hearings revealed remaining legislative, administrative and political problems and were a spur to speedy—yet fair—rulemaking.

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[51] A description of the responsibilities of the various Committees and claims to jurisdiction—can be found in Appendix IV.

[52] A description of the various jurisdictional responsibilities of Federal departments and agencies can be found in Appendix V. Although the Department of the Interior must be seen as the lead agency for the leasing of our OCS resources, a myriad of Federal agencies maintain OCS-related responsibilities, including among others, the Department of Energy, the Department of Commerce, the Environmental Protection Agency, the Council of Environmental Quality, the Department of Transportation, the Department of Health, Education, and Welfare, and the Federal Maritime Commission.

It is important that the implementation of the Act be followed closely by Congress, and, in fact, Congress should play an active role in the development of the over 26 sets of new or revised regulations to ensure that the statutes are implemented in accordance with Congressional intent. It is also important that the progress of the programs be monitored by Congress and the public in order that we do not again repeat the history of the past.

The oversight responsibilities on the Congress to follow through on the implementation of the 1978 OCS Amendments are great. The act is a well-considered and balanced measure, but it is not flawless. The promulgation of numerous sets of regulations will require considerable interagency coordination and congressional scrutiny. The Act places much emphasis on increasing OCS competition, opening the OCS decision-making process to States, local governments, and concerned citizens, and expediting OCS development to meet national needs in an orderly and environmentally sound manner. The Congress has taken a giant step to improve the outmoded 1953 OCS Act. However, it is still up to the Congress to employ considerable effort in following through on the implementation of the Act. The job of the Congress will be easier and more efficient if it resolves its own jurisdictional conflicts regarding OCS activities as it did to facilitate the consideration and passage of the OCS legislation.

APPENDIX IA—IMPLEMENTATION OF OCS LANDS ACT AMENDMENTS OF 1978, DEPARTMENT OF INTERIOR

Section No.	Action	Target date	Comment
01, new definitions and revised definitions.	Minor changes in regulations.	Continuing with regulations issuance and revision.	Lease form re-issued with changes Sept. 24, 1978.
02, sec. 3	Minor changes	December 1978 (proposed rules).	National policy statement reflected in regulation.
03, sec. 4 (boundary issues)	Inter-government coordination and notice to lessees.	1979 (procedures)	
4, sec. 5(a)(1) (suspensions).	Minor changes	January 1979 (proposed rules).	Changes in regulations by January, 1979 and lease form reissued.
4, sec. 5(a)(2) (cancellation).	Major change in regulation	do	Lease form reflects authority.
4, sec. 5(a)(3)–(6)	Minor or no changes to current regulation.	do	Assignments, unitization, storage easements, diligence.
4, sec. 5(a)(8) (air quality)	New regulation	February 1979 (proposed rules).	Notice to intention to prepare rules—December 1978.
4, sec. 5(b) (assignments/transfers).	Procedures to comply with Justice review.	Completed	Oct. 25, 1978.
4, sec. 5(c)–(d) (cancellation/noncompliance).	Minor changes	January 1979 (proposed rules).	Lease form reflects requirements.
4, sec. 5(e) and (f) (pipeline placement).	Changes in regulations and establishing of procedures.	Regulations—Mid-January 1979 (proposed rules) procedures—issued Oct. 4, 1978.	Arrangements with FERC subject to review after trial period.
4, sec. 5(g) (production rates).	Minor change in regulations.	December proposed rules).	Regulations change to reflec DOE responsibility.
4, sec. 5(i) (flaring)	New regulation—minor change.	January 1979 (proposed rules).	
5, sec. 8(a)(1) (granting leases).	Minor changes in regulations.	December (proposed rules).	Procedural aspects of bidding for leases.
5, sec. 8(a)(3) (royalty reduction).	Minor changes	do	
5, sec. 8(a) (bidding systems).	Major addition to regulations.	Uncertain	DOE regulations. Contract completed by DOI on net profit accounting issues.
5, sec. 8(b) (lease form revisions).	Major	Completed	Revised form used in lease sales.
5, sec. 8(c) (AG review of lease sale).	New procedures	do	Additional data requirements being met.
5, sec. 8(d) (diligence/bidders).	Major addition to regulations.	Uncertain	DOE coordination required. Analyses initiated.
5, sec. 8(e) (AG review of transfers).	New procedures	Completed	Reviews by AG initiated Nov. 1, 1979.

APPENDIX IA—IMPLEMENTATION OF OCS LANDS ACT AMENDMENTS OF 1978, DEPARTMENT OF INTERIOR

Section No.	Action	Target date	Comment
205, sec. 8(g) (3-mi zone/revenue distribution).	Procedures required	Partially completed	Difficulties in full implementation due to information transfer and timing for sales in 1978 (90-day period authorized by act).
208, sec. 11 (exploration)	Major revision of regulations.	December 1978 (proposed rules).	
208, sec. 18 (leasing program).	New regulations (final) call for information.	Completed	Subsequent procedures and timing specified in the act.
208, sec. 18(g) (confidential data).	Revise regulation	December 1978 (proposed rules).	Current protection of confidential data sufficient. See sec. 26 notes.
208, sec. 19 (State input/sales and plans).	New procedures (sales) regulation changes (plans).	Completed December 1978 (proposed rule).	
208, sec. 20 (environmental studies).	Minor changes	December 1978 (proposed rule).	New regulation issued Jan. 27, 1978.
208, sec. 21(a) (study of safety and health regulations).	Coordinate with USCG	Uncertain	Study plan under preparation. Possible 2-yr study.
208, sec. 21(b) (best available and safest technology).	Major regulation changes	December 1978 (notice of intent to proposed rules).	Notice of intent procedure will assure maximum participation by interested parties.
208, sec. 22(b), (c), and (d) (safety).	Minor regulation and procedure changes.	January 1979 (proposed rules).	
208, sec. 22(e) and (f) (safety violations and subpena).	Major change in procedures.	January 1979	
208, sec. 23 (process violations).	Major changes in procedures/regulations.	January 1979 (proposed rules).	Adjusted current procedures being used in the interim.
208, sec. 24 (assessment of penalties).	Major procedural changes	January 1979	
208, sec. 25 (review of plans).	Major regulation changes	December 1978 (proposed rules).	30 CFR 250, also applicable to parts of secs. 5, 8, 21, 22, 23, and 24
208, sec. 26 (information)	do	do	30 CFR 252 (major changes), 43 CFR 3300 (minor changes).
208, sec. 27 (purchases and disposition of oil and gas).			DOE responsibility. Revised lease form conforms with act.
208, sec. 29 (restrictions on employment).	Modify code of ethics	Uncertain	Statutory restrictions currently applicable.
403(b) (equipment marking)	Major—new regulation	January 1979 (proposed rule)	Extensive coordination with Department of Commerce, on implementing Fisherman's Contingency Fund (title IV).
605 (sunshine in government).	Minor changes	Dec. 17 1978	Current procedures are similar to new requirements.

Reports required by titles II and VI (Department of the Interior responsibility) are defined in sections 8, 15, 18, 20, 21 601, 602, 605, 606, and 607. Statutory requirements for timing and content shall be met.

OCSLA IMPLEMENTATION AND ADMINISTRATION SCHEDULE—COAST GUARD

G-WDWP
G-MP-3/OCS
G-WEP-1
15 November 1978
Revised 11 December 1978

	WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK	WHEN? (Target dates) CY78: 11 12 — CY79: 1 2 3 4 5 6 7 8 9 10 11 12 — CY80: 1 2 3 4
1)	203 and 208 of OCSLA, MODU Regulations; Diving Regulations.	G-MP-3/OCS; coordinate with G-WEP, G-WLE as appropriate.	General Revision of Subchapter N; 33CFR 140-146.	Revise | Comment | Review ▲ - - - Enforce - - - - - - - - - - NPRM — Final Rule
2)	4(a)(1) of OCSLA, as amended. (Laws applicable to the OCS.)	G-WAN coordinate with G-WLE	Revise 33CFR67 (marking of islands and structures for navigation).	Revise | Comment | Review ▲ - - - - Enforce - - - - - - - - NPRM — NRM
3)	4(e) of OCSLA, as amended, (preserving COE authority to permit obstructions on the OCS).	G-WLE	Develop Agreement with Corps of Engineers to clarify agency responsibilities in light of this section and the Port and Tanker Safety Act of 1978.	Author | Review ● (COE)
4)	5(a), as amended; (Administration of leasing).	G-MP-3/OCS; G-WLE	Insure DOI regulations implementing this section accommodate Coast Guard requirements for suspension of OCS operations during emergencies; e.g., bad weather, spill, emergency, unsafe operations, etc.	Author ● - - - - Enforce as necessary - - - - - - - - - - - - (DOI)

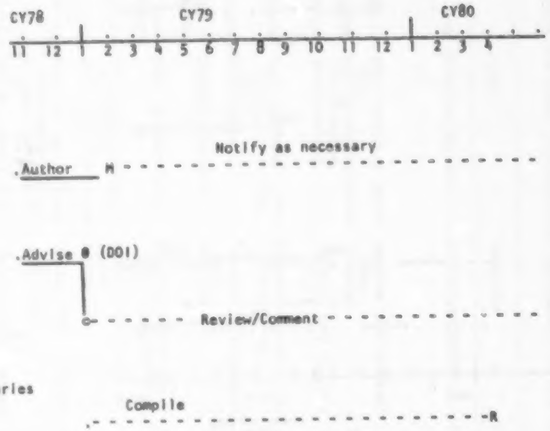
MILESTONE LEGEND

———	IMPLEMENTATION TASK
- - - -	CONTINUING TASK
6	LEGISLATED COMPLETION DEADLINE
▲	REGULATIONS
M	MARINE SAFETY MANUAL AMENDMENT
R	RECURRING SUBMISSION
?	UNKNOWN START-UP COMPLETION
●	DOCUMENT DELIVERED (Recipient)

G-WDWP
G-MP-3/OCS
G-WEP-1
15 November 1978
Revised 11 December 1978

	WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK
5)	5(h) of OCSLA, as amended. (Notice to Secretary of Interior of significant actions.)	WS	Author and publish amendment to Marine Safety Manual to provide notification of Secretary (DOI)of DOT/CG actions that have significant effect on OCS.
6)	11 of OCSLA, as amended. (OCS exploration plans.)	MP-3/OCS; coordinate with WLE; WEP	Advise Secretary (DOI) concerning review procedures for exploration plans.
		WLE WEP MP-3/OCS	Review exploration plans and comment to Secretary (DOI) as appropriate.
7)	15 of OCSLA, as amended. (Annual Report of Secretary of Interior.)	MP-3/OCS WEP WLE	Submit data, including appropriate PIRS statistics & summaries for inclusion in Secretary's (DOI) Annual Report.

WHEN?
(Target Dates)



MILESTONE LEGEND

———	IMPLEMENTATION TASK
- - - - -	CONTINUING TASK
§	LEGISLATED COMPLETION DEADLINE
A	REGULATIONS
M	MARINE SAFETY MANUAL AMENDMENT
R	RECURRING SUBMISSION
?	UNKNOWN START-UP COMPLETION
●	DOCUMENT DELIVERED (Recipient)

G-WDWP
G-MP-3/OCS
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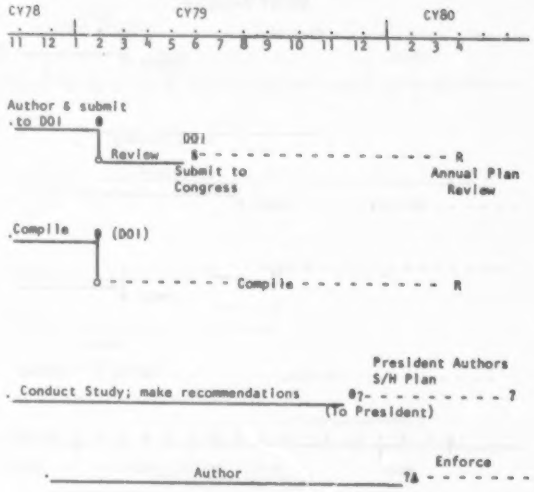
Revised 11 December 1978

WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK
8) 18 of OCSLA, as amended. (OCS Leasing Program.)	WEP WS WLE	Author and submit to DOI suggestions on proposed leasing program with emphasis on: (1) Environmental Impact Statements. (2) Impact on Shipping Lanes.
9) 20 of OCSLA, as amended. (Environmental Studies.)	WEP	Provide USCG Pollution Incident Reporting System (PIRS) data to DOC and DOI. Provide PIRS data on oil spills to DOC and DOI annually.
10) 21(a) of OCSLA, as amended. (Safety Regulations)	MP-3/OCS; coordinate with WEP for environmental matters.	Conduct Joint USCG/USGS Study of adequacy of safety and health regulations and the technology available for exploring and developing the OCS; recommendations to the President.
11) 21(b) of OCSLA, as amended. (Best available and safest technology.)	MP-3/OCS; coordinate with WEP for environmental matters.	Develop and promulgate regulations to implement this section for the Coast Guard. Coordinate with DOI and Office of Pipeline Safety.

WHEN?
(Target Dates)



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- ▲ REGULATIONS
- M MARINE SAFETY MANUAL AMENDMENT
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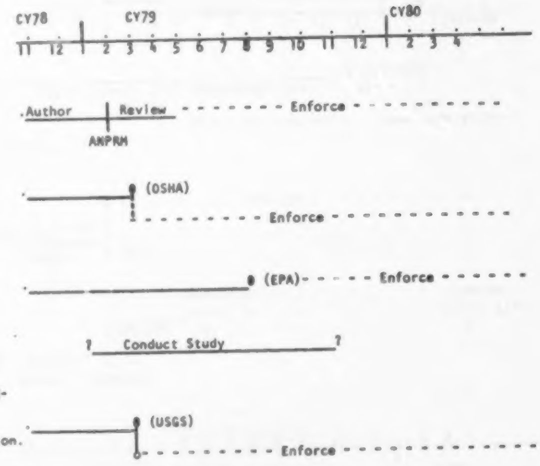
WHY?	WHO?	WHAT?
SECTION	OPERATING ELEMENT	TASK
12) 21(c) of OCSLA as amended. (Hazardous Working Conditions)	MP-3/OCS	Identify and, if necessary, regulate any presently unregulated hazardous working conditions.
13) 21(d) of OCSLA, as amended. (Preserves DOL/EPA Authority)	MP-3/OCS; coordinate with MVI.	Develop Agreement with OSHA concerning OCS responsibilities.
		Develop Agreement with EPA on OCS facilities; ensure DOI/CG/EPA coordination re: Clean Water Act requirements.
14) 21(e) of OCSLA, as amended. (Diving Studies)	MP-3/OCS MP-3/USP	Participate in Dept. of Commerce Study of diving techniques and equipment.
15) 21(f) of OCSLA, as amended. (Federal Coordination)	MP-3/OCS; coordinate with WS on environmental matters.	Develop Agreement with DOI; coordinate implementation of OCS Amendments with USGS/DOI. Ensure coordination on Port and Tanker Safety Act Amendments implementation.

WHEN?
(Target Dates)



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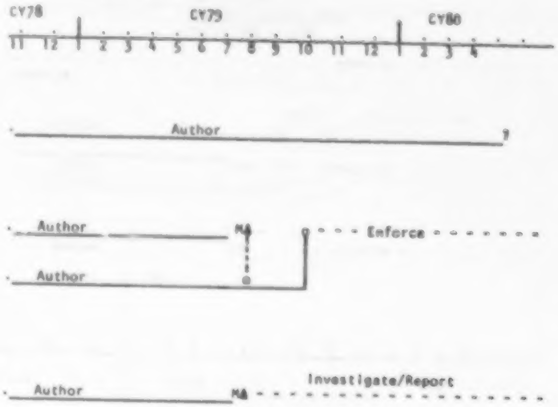
	WHY?	WHO?	WHAT?
	SECTION	OPERATING ELEMENT	TASK
16)	22(a) of OCSLA, as amended. (General enforcement authority)	MP-3/OCS; WEP	Law Enforcement (General). Develop regulations and Marine Safety Manual amendments as necessary.
17)	22(c) of OCSLA, as amended. (Inspections)	MP-3/OCS MVI WEP	Develop policy and regulations to provide scheduled annual and periodic unannounced inspections of OCS facilities. (Part of Subchapter N Project)
		MP-3/OCS; MVI; WEP	Develop inspection program standards.
18)	22(d) of OCSLA, as amended. (Investigations)	MP-3/OCS; MMI; WEP	Develop policy and regulations for investigation and public reports on fires, pollution, deaths and serious injuries in cooperation with USGS. (Part of Subchapter N Project)

WHEN?
(Target Dates)



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	WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK	WHEN? (Target Dates) CY78 11 12 CY79 1 2 3 4 5 6 7 8 9 10 11 12 CY80 1 2 3 4
19)	22(e) of OCSLA, as amended. (Complaints)	MP-3/OCS; MMI; MVI.	Develop policy and regulations for investigations of allegations of violations of occupational safety and health regulations. (Part of Subchapter N Project)	. Author ______ M▲ - - - - Enforce - - - - - - - - -
20)	22(f) of OCSLA, as amended. (Subpoena)	MP-3/OCS; MMI; LMI. Coordinate with WEP for environmental matters.	Develop policy and regulations for implementing subpoena authority for OCS investigations. (Part of Subchapter N Project)	. Author ______ M▲ - - - - Enforce - - - - - - - - -
21)	22(g) of OCSLA, as amended. (Annual Report)	MP-3/OCS; coordinate with MMI, MP-3/USP.	Provide data on violations of safety regulations and results of diving studies to DOI for inclusion in annual report.	Compile , - - - - - R - - - - - - - - - - - - - - Compile R - - - - - - - -

MILESTONE LEGEND

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▲	REGULATIONS
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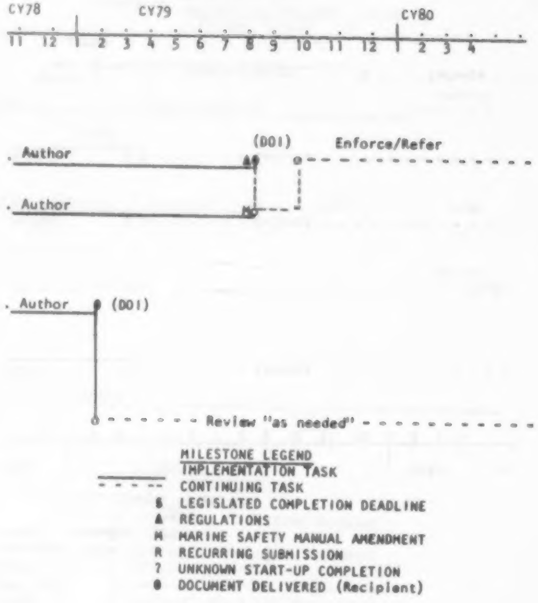
	WHY?	WHO?	WHAT?
	SECTION	OPERATING ELEMENT	TASK
22)	24(a) & (b) of OCSLA, as amended. (Penalties)	MP-3/OCS; LMI WEP	Develop policy and regulations for injunctive actions and civil and criminal penalty procedures, including referrals to Secretary (DOI). (Part of Subchapter N Project)
			Develop Marine Safety Manual Amendments.
23)	25 of OCSLA, as amended. Oil & Gas Development & Production.	WS WLE WEP MP-3/OCS	Management of Coast Guard requirements to be included in DOI regulations, for oil and gas development and production plans.
		WS WLE WEP MP-3/OCS	Review development and production plans for OCS facilities including shore-side development, all areas other than the Gulf of Mexico.

WHEN?
(Target Dates)



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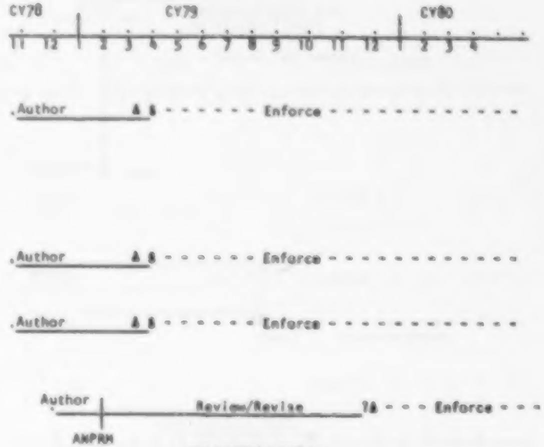
	WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK
24)	30(1) of OCSLA, as amended. Documentation, Registry and Manning Requirements.	MP-3/OCS; MVD	Explain requirements for documentation of OCS facilities.
25)	30(2) of OCSLA, as amended. (Design)	MP-3/OCS; MMT; MVI	Develop regulations for design, construction, alteration and repair standards for OCS vessels and facilities in coordination with USGS.
26)	30(3) of OCSLA, as amended. (Manning)	MP-3/OCS; MVP	Develop policy and regulations for manning of OCS facilities by U. S. citizens.
27)	Sections 203 and 208 of OCSLA Amendments of 1978.	MP-3/OCS	Develop and promulgate OS&H regulations for artificial islands, installations and other devices on the OCS.

WHEN?
(Target Dates)



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15 November 1978
Revised 11 December 1978

	WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK	WHEN? (Target Dates) CY78 11 12 CY79 1 2 3 4 5 6 7 8 9 10 11 12 CY80 1 2 3 4
28)	Sections 203 and 208 of OCSLA Amendments of 1978.	MP-3/OCS	Develop and promulgate OS&H regulations for industrial vessels on the OCS.	Author ANPRM Review/Revise ?▲ Enforce - - - - -
29)	Section 4(a)(1) of OCSLA, as amended.	MP-3/OCS; MVP	Develop and promulgate standards for crane operator qualifications for OCS operations.	Author NPRM Comment Review ?▲ - - - Enforce - - - - 6/80.
30)	Section 21(b) of OCSLA, as amended; MARPOL '73.	MP-3/OCS: WEP MMT: LMI	Participate in review and development of policy for application of MARPOL regulations to OCS installations.	Review ?▲ Enforce - - -6/80.
31)	CG-495	MP-3/OCS	To the extent not already identified, revise Marine Safety Manual to conform with OCSLA, as amended, & implementing policy and regulations that are the responsibility of MP-3/OCS.	Author

MILESTONE LEGEND

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OCSLA IMPLEMENTATION AND ADMINISTRATION SCHEDULE - TITLE III

G-WDWP
15 November 1978
Revised 11 December 1978

	WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK	WHEN? (Target Dates) CY78: 11 12 / CY79: 1 2 3 4 5 6 7 8 9 10 11 12 / CY80: 1 2 3 4
101.	302(a) of OCSLA Amendments.	G-WDWP/Fund Administrator. 1/	Develop organization & procedures for administering the Offshore Oil Pollution Compensation Fund; integrate policies and procedures into existing CG manuals and instructions; draft proposed Executive & Secretarial delegations orders.	. Author ____ $ - - - - - - - Administer Fund in Accordance with Act - - - - - - -
102.	302(b) of OCSLA Amendments	G-WDWP	Prepare Marine Safety Manual Amendments designating who may obligate Fund money.	. Author ____ M $
103.	302(d)(1) of OCSLA Amendments.	G-WDWP/Fund Administrator.	Promulgate regulations levying a per barrel fee. (Collected by Treasury Department)	. Author ____ ▲ $ - - - - - - - Review and adjust fee - - - - - - -
104.	304(e) of OCSLA Amendments.	Fund Administrator.	Report to Congress from time to time on the desirability of adjusting the monetary limitation of liability specified in Section 304(b) for vessels & offshore facilities.	. - - - - - - - Compile - - - - - - - ?R - - - - - - -

1/ Fund Administrator to be designated by Commandant.

MILESTONE LEGEND

- ______ IMPLEMENTATION TASK
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- $ LEGISLATED COMPLETION DEADLINE
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WHY?		WHO?	WHAT?	WHEN? (Target Dates)
	SECTION	OPERATING ELEMENT	TASK	CY78 11 12 | CY79 1 2 3 4 5 6 7 8 9 10 11 12 | CY80 1 2 3 4
105.	305(a)(2) and (3) of OCSLA Amendments.	G-WDWP/Fund Administrator; ✓ coordinate with appropriate District Commander for enforcement.	Promulgate regulations on denial and detention of vessels not producing upon request certification of financial responsibility and on access to vessels and offshore facilities for verification of certification.	. Author ____ ▲ $ - - - - - - - Enforce - - - - - - - - - - - - -
106.	305(b) of OCSLA Amendments.	G-WDWP/Fund Administrator.	Promulgate regulations on establishment and maintenance of financial responsibility for offshore facilities.	. Author ____ ▲ $ - Process Applications/Issue Certificates/Enforce
107.	305(d) of OCSLA Amendments.	G-WDWP	Prepare an interim report on the adequacy and availability of private oil pollution insurance.	Author . ____ $
108.	305(d) of OCSLA Amendments.	G-WDWP/Fund Administrator.	Contract for and have prepared a final report on the adequacy and availability of private oil pollution insurance.	. ______ Review ______ $

✓ Fund Administrator to be designated by Commandant.

MILESTONE LEGEND

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G-WDWP
15 November 1978 (Revised 11 December 1978)

	WHY?	WHO?	WHAT?	WHEN? (Target Dates)
	SECTION	OPERATING ELEMENT	TASK	CY78: 11 12 | CY79: 1 2 3 4 5 6 7 8 9 10 11 12 | CY80: 1 2 3 4
109.	306 of OCSLA Amendments.	G-WDWP/Fund Administrator✓; coordinate with appropriate District Commander for designation, advertisement and enforcement.	Promulgate regulations on notification of incidents and on designation and advertisement of sources of oil pollution.	Author ▲ § - - - Enforce Notification/Designate & Advertise Sources - - -
110.	307(e) of OCSLA Amendments.	G-WDWP	Promulgate regulations prescribing the documents to be transmitted to the Fund with a claim and the terms under which they are to be transmitted.	Author ▲ §
111.	307(g)(1) of OCSLA Amendments.	G-WDWP	Promulgate regulations establishing uniform procedures and standards for the appraisal and settlement of claims against the Fund.	Author ▲ §
112.	307(g)(2) of OCSLA Amendments.	G-WDWP/Fund Administrator.	Contract for claims adjusting services.	Negotiate R § - - - Review - - -
113.	307(i)(e) of OCSLA Amendments.	G-WDWP	Promulgate regulations on the issuance of subpoena by Administrative Law Judges and panels.	Author ▲ §

✓ Fund Administrator to be designated by Commandant.

MILESTONE LEGEND

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G-WDWP
15 November 1978 (Revised 11 December 1978)

WHY?	WHO?	WHAT?	WHEN? (Target Dates)
SECTION	OPERATING ELEMENT	TASK	CY78 11 12 | CY79 1 2 3 4 5 6 7 8 9 10 11 12 | CY80 1 2 3 4 . . .
114. 307(1)(5) of OCSLA Amendments.	G-WDWP	Promulgate regulations for the review of decisions of Administrative Law Judges & panels.	. Author ▲ $
115. 312(a)(2) of OCSLA Amendments.	Appropriate District Commander.	Assess and compromise civil penalties relating to financial responsibility, denial and detention orders, and access to offshore facilities and vessels. Subpart 1.07, 33 CFR Part 1.	. - - - - - - - - Enforce - - - - - - - - - - - - -
116. 313 of OCSLA Amendments.	G-WDWP/Fund Administrator.	Prepare and submit for Congressional consideration a proposed appropriations bill providing for operating funds and for the authority to perform the functions as specified in Section 313(c).	Author Monitor Progress of Bill in Congress .___. - - - - - - - - - - - - - - - - - - ? - - - - - - - - -
117. 314 of OCSLA Amendments.	Fund 1/ Administrator.	Prepare and submit a report to Congress on the administration of the Fund during the previous fiscal year and recommend legislative changes.	. Compile ____ R - - - - - - - - - - - R

1/ Fund Administrator to be designated by Commandant.

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G-MP-3/OCS
G-WEP-1
15 November 1978
Revised 11 December 1978

WHY? SECTION	WHO? OPERATING ELEMENT	WHAT? TASK	WHEN? (Target Dates) CY78 11 12 | CY79 1 2 3 4 5 6 7 8 9 10 11 12 | CY80 1 2 3 4
201. TITLE VI: Section 607 of OCSLA of 1978.	MP-3/OCS WEP WLE	Recommendations for training program. Review and develop comments to be included in DOI recommendations for training personnel who are responsible for pollution prevention equipment.	Develop $ - - - - - - - Review as needed - - - - - - - - - - - - - -

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APPENDIX II—NEW AND AMENDED REGULATIONS REQUIRED BY OCSLA

TITLE II

1. Section 5(a) requires the Secretary to prescribe such rules and regulations as are necessary to carry out a leasing pogram, including the prevention of waste and conservation of natural resources.

2. Section 5(a) (1) requires the Secretary to issue regulations for the suspension or temporary prohibition of operations or activities on the OCS.

3. Section 5(a) (2) requires the Secretary to issue regulations for the cancellation of leases and subsequent compensation.

4. Section 5(a) (5–8) requires the Secretary to issue regulations for the subsurface storage of oil and gas, for drilling and easements necessary for exploration development and production, for the prompt and efficient exploration and development of leases and for compliance with the provisions of the Clean Air Act.

5. Section 5(e) requires the Secretary or where appropriate, the Secretary of Transportation, to prescribe regulations for rights-of-way assuring the use of best available and safest technologies in pipeline burial.

6. Section 8(a)(1) requires the Secretary to issue regulations for bidding systems and handling of cash deposits.

7. Section 8(a) (6) requires the Secretary to issue at least 90 days in advance of a lease rules for the calculation of net profit.

8. Section 11(c) (3) requires the Secretary to issue regulations for the submission of exploration plans.

9. Section 18(f) requires the Secretary to issue regulations for public notice of and participation in the development of a leasing program, and for the receipt and consideration of nominations.

10. Section 21(c) requires the Secretary to issue regulations to establish procedures for carrying out the Environmental Studies Program.

11. Section 21(c) requires the Secretary of Transporation to issue regulations regarding hazardous working conditions on the OCS.

12. Section 22(c) requires the Secretaries of Interior and Transportation to issue regulations for scheduled and unscheduled on-site inspection.

13. Section 25(c) requires the Secretary to prescribe by regulation the details of a development and production plan.

14. Section 26(c) requires the Secretary to issue regulations to assure the confidentiality of privileged and proprietary information and for the release of such information under certain conditions.

15. Section 30(a) requires the Secretary of Transportation to issue regulations within six months of enactment pertaining to documentation, minimum construction standards and manning of OCS vehicles and structures.

TITLE III

16. Section 302(c) authorizes the Secretary of Transportation to issue regulations designating persons who may obligate money in the Fund.

17. Section 302(d) authorizes the Secretary of Treasury, in consultation with the Secretary of Transportation, to promulgate regulations for the collection of fees and for documentation and record keeping.

18. Section 305(a)(1) and (b) authorizes the President to promulgate regulations regarding evidence of finanical responsibility for vessels and offshore facilities.

19. Section 305(a)(2) requires the Secretary of Transportation t issue regulations for the denial of entry or detainment of vessels without evidence of financial responsibility.

20. Section 307(e) (g) and (i) requires the Secretary of Transportation to issue regulations for procedures and standards for the administration, appraisal and settlement of claims and for review of decision by the Secretary.

TITLE IV

21. Section 403(a) requires the Secretary of Commerce to issue regulations for the filing, processing and fair and expeditious settlemen of claims.

22. Section 403(b) requires the Secretary of Interior to establis regulations for the color-coding stamping or labeling of all material equipment, tools and containers used on the OCS.

APPENDIX III—REPORTS AND STUDIES

Part 1

The following is a list of studies and reports required by the OC Lands Act Amendments. There are a total of 15 reports with 6 of the being annual reports to Congress, 4 one-time-only reports and t remainder being conducted as the need arises.

TITLE II

1. Section 8(a)(4) requires the Secretary of Energy to submit Congress any modifications to any bidding system authorized by t Act or any proposals for new bidding systems. Either the House Senate may disapprove within 30 days.

2. Section 8(a)(8) requires the Secretary of Interior to submit Congress at least 30 days prior to any lease sale a notice of the biddi system to be used and the reasons for doing so, and the tracts to offered for lease.

3. Section 8(a)(9) requires the Secretary of Energy in consul tion with the Secretary of Interior to submit a report to Congr within six months of the end of each fiscal year analyzing the biddi systems used during the past year and planned for the coming yea

4. Section 15 requires the Secretary of Interior to submit within months of the end of each fiscal year two reports to the President the Senate and the Speaker of the House. The first report details activities taking place during the past year, and recommendation Congress for improvements in management, safety and product from OCS operations and for resolution of jurisdictional confli The second report, prepared after consultation with the Attorney G

eral, makes recommendations for promoting competition in OCS leasing.

5. Section 18(c)(3) requires the Secretary of Interior to submit to Congress within nine months of enactment, a proposed OCS leasing program.

6. Section 18(d)(2) requires the Secretary of Interior to submit to the President and Congress a proposal leasing program together with any comments received, at least 60 days prior to approving such program.

7. Section 20(e) requires the Secretary of Interior as soon as practicable after the end of each fiscal year to submit to Congress an assessment of the cumulative effect of OCS activities on the human, marine and coastal environments.

8. Section 21(a) requires the Secretaries of Interior and Transportation to jointly conduct a study of safety and health regulations and of OCS technology. The results shall be submitted to the President who shall then submit a plan to promote safety and health to the Congress.

9. Section 28 requires the President to submit a report to Congress prior to the export of any oil or gas produced on the OCS demonstration that such export will not increase the nation's reliance of imported oil or gas. Congress shall have 60 days to disapprove such export.

TITLE III

10. Section 304(e) requires the Secretary of Transportation to report to Congress from time to time on the desirability of changing the limitations on liability specified in this section.

11. Section 305(d) requires the President to conduct a study of the marine insurance industry to determine whether it may reasonably provide the services required under this section. The President shall submit results of this study within one year of enactment, with an interim report 3 months following enactment, to Congress.

TITLE IV

12. Section 406(a) requires the Secretary of Commerce to submit an annual report to Congress on claims and compensation in connection with the Fishermen's Contingency Fund.

13. Section 406(b) requires the Secretary of Commerce after consultation with the Secretary of Interior, to submit with the first annual report a report on the prevention and reduction of obstructions on the OCS.

14. Section 407(a) requires the Secretary of Commerce in cooperation with Interior, to conduct a two year survey of obstruction on the OCS with results published on special charts for fishermen.

TITLE VI

15. Section 601(a) requires the Secretary of Interior within 6 months of enactment and with each annual report thereafter, to submit to the Comptroller General a list of all shut-in and flaring wells. Within 6 months after receiving such report, the Comptroller General shall submit findings and recommendations to Congress.

APPENDIX IV.—HOUSE COMMITTEES AND THE OCS ACT.

Committees	Sections of Bill[1]	Applicable House rules[2]
Merchant Marine	Oil Spill Liability; Title III, Fisherman's Contingency Fund; Title IV, Coastal Zone Management, see DOE and Manning sec. 30, Transportation; application of NEPA; sec. 20.	X (1) (n) (1) (2) (3) (5) (7) (9).
Education and Labor	Safety and Health Standards and enforcement, secs. 21 and 22, Longshoreman's.	
International Affairs	Documentation and Manning, sec. 30; provision calling for the establishment of a mechanism to settle boundary disputes.	X (1) (k) (3) (8).
Interstate and Foreign Commerce	Pipeline competition and rights of way, sec. 5 (e) (f); Air Quality Standards, sec. 5 (a).	X (1) (L).
Interior and Insular Affairs	Issuance of lease, sec. 204 (a); sec. 18—OCS leasing, issuance of lease, building systems report, sec. 24—Remedies and Penalties.	X (1) (J) (3) (11) (13).
Post Office and Civil Service	Restrictions on Employment, sec. 29	(2) (5).
Public Works	Oil Spill Liability, Title III	X (1) (P) (6) (12).
Judiciary	Antitrust reviews, various sections and subsections; citizens suits, sec. 23.	X (1) (m) (1) (4) (7) (16) (18).
Small Business	SBA set aside, sec 205 (b) (7) (a); small business allocations of purchases of royalty oil and gas.	X (1) (s) (1) (2).
Science and Technology	Alternative technologies contained in definition of minerals and best available safest technologies.	X (1) (r) (8) (10).
Ways and Means		X (1) (T) (y) (6).

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[1] Sections of bills not complete.

[2] House rule (X) (2) (b) (1)—General Oversight Responsibilities:
"Each Standing Committee . . . shall review and study, on a continuous basis, the application, administration, execution, and effectiveness of those laws, or parts of law, the subject matter of which is within the jurisdiction and operation of the jurisdiction of that committee."

APPENDIX A.—*Responsibilities of Agencies and Departments*

Departments:	
Army	22-permits re: corps projects, pipeline safety.
Commerce	Title V, Coastal Zone Management.
Energy	Sec. 204, sec. 5, OCS exploration and development General Authority Rates of Protection.
Interior	General Authority of Leasing Program.
Justice	Sec. 23, Citizen Suits, sec. 205, Lease Sale Competition Review.
Labor	Sec. 21, sec. 22, Safety Regs and Employment.
State	Sec. 30, Documentation and Manning.
Transportation	Sec. 21, Safety Regs.
Treasury	Sec. 204—OCS Exploration and Development; sec. 205—Bidding and Lease Administration; sec. 302—Establishment of offshore pollution fund (revolving account); sec. 309—Disbursement from the revolving account; Sec. 310—Fee collection, deposits in revolving account (fee not to exceed 3 cents per barrel on oil obtained from OCS); sec. 401—If in any fiscal year, the total amount of funds available for making grants to coastal States pursuant to this subsection is greater than the total amount of grants payable to such States pursuant to this subsection, the difference between such 2 amounts shall remain in the Treasury and be credited to miscellaneous receipts.
Agencies:	
Federal Trade Commission.	Sec. 205, Lease Sale Competition Review.
Small Business Administration.	Sec. 27, Federal Purchase and Disposition of oil and gas.

○

Union Calendar No. 970

95th Congress, 2d Session - - - - - - - House Report No. 95-1836

REPORT ON THE ACTIVITIES

OF THE

COMMITTEE ON HOUSE ADMINISTRATION

OF THE

HOUSE OF REPRESENTATIVES

DURING THE

NINETY-FIFTH CONGRESS

JANUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
[illegible]
WASHINGTON : 1979

COMMITTEE JURISDICTION

Created by Public Law 601 of the 79th Congress, section 121(j) (Legislative Reorganization Act of 1946, 60 Stat. 812), the Committee on House Administration is a standing Committee of the House of Representatives. The powers and duties of the Committee, as determined by the Legislative Reorganization Acts of 1946 (Public Law 79-601) and 1970 (Public Law 91-510), are summarized as follows:

Committee on House Administration, to consist of 25 members, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Employment of persons by the House, including clerks for Members and committees, and reporters of debates.
2. Expenditure of the contingent fund of the House.
3. The auditing and settling of all accounts which may be charged to the contingent fund.
4. Measures relating to accounts of the House generally.
5. Appropriations from the contingent fund.
6. Measures relating to services to the House, including the House Restaurant and administration of the House Office Buildings and of the House wing of the Capitol.
7. Measures relating to the travel of Members of the House.
8. Measures relating to the assignment of office space for Members and committees.
9. Except as provided in Rule X, clause 1(p) (4) of the Rules of the House, matters relating to the Library of Congress and the House Library; statuary and pictures; acceptance of purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.
10. Except as provided in Rule X, clause 1(p) (4) of the Rules of the House, matters relating to the Smithsonian Institution and the incorporation of similar institutions.
11. Matters relating to printing and correction of the Congressional Record.
12. Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.
13. Such committee shall also have the duty of:
    (a) Examining all bills, amendments, and joint resolutions after passage by the House; and in cooperation with the Senate, of examining all bills and joint resolutions which shall have passed both Houses to see that they are correctly enrolled; and when signed by the Speaker of the House and the President of the Senate, shall forthwith present the same, when they shall have originated in the House, to the President of the United States in person, and report the fact and date of such presentation to the House.
    (b) Reporting to the Sergeant at Arms of the House the travel of Members of the House.
14. Operating responsibility for House Restaurants and House Information Systems.

COMMITTEE JURISDICTION

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COMMITTEE ORGANIZATION

To facilitate the oversight and legislative work of the Committee for the 95th Congress, the Committee was organized as follows:

FRANK THOMPSON, Jr., New Jersey, *Chairman*[1]

JOHN H. DENT, Pennsylvania
LUCIEN N. NEDZI, Michigan
JOHN BRADEMAS, Indiana
AUGUSTUS F. HAWKINS, California
FRANK ANNUNZIO, Illinois
JOSEPH M. GAYDOS, Pennsylvania
ED JONES, Tennessee
ROBERT H. MOLLOHAN, West Virginia
LIONEL VAN DEERLIN, California
JOSEPH F. MINISH, New Jersey
MENDEL J. DAVIS, South Carolina
CHARLES ROSE, North Carolina
JOHN L. BURTON, California
EDWARD W. PATTISON, New York
LEON PANETTA, California
JOSEPH AMMERMAN, Pennsylvania

WILLIAM L. DICKINSON, Alabama
SAMUEL L. DEVINE, Ohio
JAMES C. CLEVELAND, New Hampshire
CHARLES E. WIGGINS, California
J. HERBERT BURKE, Florida
BILL FRENZEL, Minnesota
DAVE STOCKMAN, Michigan
ROBERT BADHAM, California

ACCOUNTS SUBCOMMITTEE

JOHN H. DENT, Pennsylvania, *Chairman*

AUGUSTUS F. HAWKINS, California
FRANK ANNUNZIO, Illinois
ED JONES, Tennessee
ROBERT H. MOLLOHAN, West Virginia
JOSEPH G. MINISH, New Jersey
MENDEL J. DAVIS, South Carolina
JOHN L. BURTON, California
JOHN BRADEMAS, Indiana

SAMUEL L. DEVINE, Ohio
JAMES C. CLEVELAND, New Hampshire
J. HERBERT BURKE, Florida
ROBERT E. BADHAM, California

LIBRARY AND MEMORIALS SUBCOMMITTEE

LUCIEN N. NEDZI, Michigan, *Chairman*

EDWARD W. PATTISON, New York
JOHN BRADEMAS, Indiana
LEON E. PANETTA, California
JOSEPH S. AMMERMAN, Pennsylvania

BILL FRENZEL, Michigan
DAVE STOCKMAN, Michigan

PRINTING SUBCOMMITTEE

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JOSEPH M. GAYDOS, Pennsylvania
LIONEL VAN DEERLIN, California
LEON E. PANETTA, California
JOSEPH S. AMMERMAN, Pennsylvania

JAMES C. CLEVELAND, New Hampshire
CHARLES E. WIGGINS, California

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[1] H.Res. 389, March 9, 1977.

PERSONNEL AND POLICE SUBCOMMITTEE

FRANK ANNUNZIO, Illinois, *Chairman*

LIONEL VAN DEERLIN, California
JOSEPH G. MINISH, New Jersey
CHARLES ROSE, North Carolina
JOHN H. DENT, Pennsylvania

SAMUEL L. DEVINE, Ohio
CHARLES E. WIGGINS, California

CONTRACTS SUBCOMMITTEE

JOSEPH M. GAYDOS, Pennsylvania, *Chairman*

AUGUSTUS F. HAWKINS, California
ROBERT H. MOLLOHAN, West Virginia

JAMES C. CLEVELAND, New Hampshire

SERVICES SUBCOMMITTEE

ED JONES, Tennessee, *Chairman*

JOHN H. DENT, Pennsylvania
MENDEL J. DAVIS, South Carolina

WILLIAM L. DICKINSON, Alabama

SYSTEMS SUBCOMMITTEE

ROBERT H. MOLLOHAN, West Virgina, *Chairman*

LUCIEN N. NEDZI, Michigan
CHARLES ROSE, North Carolina
JOHN L. BURTON, California
JOSEPH S. AMMERMAN, Pennsylvania
EDWARD W. PATTISON, New York
LEON E. PANETTA, California

J. HERBERT BURKE, Florida
DAVE STOCKMAN, Michigan
ROBERT E. BADHAM, California

JOINT COMMITTEES

JOINT COMMITTEE ON THE LIBRARY [1]

LUCIEN N. NEDZI, Representative from Michigan, *Chairman*

CLAIBORNE PELL, Senator from Rhode Island, *Vice Chairman*

FRANK THOMPSON, JR.
Representative from New Jersey
JOHN BRADEMAS
Representative from Indiana
CLAIBORNE PELL
Senator from Rhode Island
HARRISON A. WILLIAMS, JR.
Senator from New Jersey

SAMUEL L. DEVINE
Representative from Ohio
DAVE STOCKMAN
Representative from Michigan
ROBERT P. GRIFFIN
Senator from Michigan
HOWARD H. BAKER, JR.
Senator from Tennessee

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FRANK THOMPSON, JR., Representative from New Jersey, *Vice Chairman*

JAMES B. ALLEN Senator from Alabama	MARK O. HATFIELD Senator from Oregon
AUGUSTUS F. HAWKINS Representative from California	WILLIAM L. DICKINSON Representative from Alabama

COMPUTER POLICY GROUP

CHARLES ROSE, Representative from North Carolina, *Chairman*

EDWARD W. PATTISON Representative from New York	DAVE STOCKMAN Representative from Michigan

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[1] H.Res. 389, March 9, 1977.

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LETTER OF SUBMITTAL

House of Representatives,
Committee on House Administration,
Washington, D.C., January 3, 1979.

Hon. Edmund L. Henshaw, Jr.,
Clerk of the House of Representatives,
Washington, D.C.

Dear Ted: Pursuant to Clause 1(d) of Rule IX of the Rules of the House of Representatives, I hereby submit to the House a report on the activities of the Committee on House Administration for the 95th Congress.

Cordially yours,

Frank Thompson, Jr.

LETTER OF SUBMITTAL

House of Representatives,
Committee on House Administration,
Washington, D.C., [illegible]

Hon. [illegible]
Clerk of the House of Representatives,
Washington, D.C.

Dear Mr. [illegible]: Pursuant to [illegible] of Rule [illegible] of the [illegible] [illegible] to the House [illegible] the Committee on House Administration [illegible]

Sincerely yours,

[illegible], Chairman.

Union Calendar No. 970

96TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 95–1836

REPORT ON THE ACTIVITIES OF THE COMMITTEE ON HOUSE ADMINISTRATION

JANUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMPSON, from the Committee on House Administration, submitted the following

REPORT

FULL COMMITTEE ACTIVITIES

Rule X, Sec. (i) (11), of the Rules of the House of Representatives gives the Committee powers and duties relating to "the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credential and qualifications; and Federal elections generally." The Committee is also charged with oversight of the Federal Elections Commission. It discharges its responsibilities pertaining to Federal elections generally with the assistance of an elections staff ancillary to the full committee staff. Included in the following list of full committee activities are actions taken by the Committee which relate to Federal elections.

FULL COMMITTEE

HEARINGS

Contested Elections: During 1977, in addition to scheduled legislation, the Committee held both panel and full Committee hearings to review contested election proceedings as follows:

February 15, 1977—Panel re Moreau v. Tonry.
February 23, 1977—Panel re Paul v. Gammage, H. Res. 526.
March 7, 1977—Panel re Pierce v. Pursell, H. Res. 528.
March 8, 1977—Panel re Young v. Mikva, H. Res. 527.
March 9, 1977—Panel re Paul v. Gammage, H. Res. 526.
March 10, 1977—Panel re Saunders v. Kelley, H. Res. 525.
March 16, 1977—Panel re Pierce v. Pursell, H. Res. 528.
March 30, 1977—Panel re Saunders v. Kelly, H. Res. 525.
April 5, 1977—Panel re Young v. Mikva, H. Res. 527.
April 20, 1977—Panel re Young v. Mikva, H. Res. 527.

April 28, 1977—Full Committee re Saunders v. Kelly, H. Res. 525; Full Committee re Paul v. Gammage, H. Res. 526; Full Committee re Pierce v. Pursell, H. Res. 528; Full Committee re Young v. Mikva, H. Res. 527.

May 3, 1977—Panel re Moreau v. Tonry.

May 4, 1977—Panel re Moreau v. Tonry.

July 15, 1977—Panel re Dehr v. Leggett, H. Res. 770.

July 29, 1977—Panel re Dehr v. Leggett, H. Res. 770

September 21, 1977—Full Committee re Dehr v. Leggett, H. Res. 770.

September 29, 1977—Panel re Hill v. Clay, H. Res. 822.

October 6, 1977—Panel re Lowe v. Fowler, H. Res. 825.

October 13, 1977—Full Committee re Lowe v. Fowler, H. Res. 825; Full Committee re Hill v. Clay, H. Res. 822.

February 17, 1977, Hearings were held regarding the following bills and resolutions H. Res. 287—Amending the Rules of the House.

March 17, 1977, Hearings were held regarding the following bills and resolutions: S. Con. Res. 8—Authorizing a committee print.

March 22, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 421—Disapproving FEC regulation proposal.

March 29, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 441—Authorizing H.I.S. funds.

April 6, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

April 21, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

April 26, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

April 27, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

April 28, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

May 3, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

May 4, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

May 5, 1977, Hearings were held regarding the following bills and resolutions: H.R. 5400—Voter Registration.

May 10, 1977, Hearings were held regarding the following bills and resolutions: H.R. 6936—Amend FEC Act of 1971.

July 19, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 687—Providing district office space for Members.

August 3, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 729—Authorizing funds for the Permanent Select Committee on Intelligence.

September 21, 1977, Hearings were held regarding the following bills and resolutions: H.R. 8358—Amending Title 44 U.S.C.

September 26, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 766—House Reform.

September 27, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 766—House Reform.

November 1, 1977, Hearings were held regarding the following bills and resolutions: H. Res. 879—Funds for standing and select committees; H. Res. 884—Counsel to intervene in case of Atkins v. United States.

November 2, 1977, Hearings were held regarding the following bills and resolutions: S. Con. Res. 53—Printing of a document.

January 31, 1978, Hearings were held regarding the following bills and resolutions: H. Res. 977—Funds for the Committee on House Administration; H. Res. 984—Funds for the Committee on House Administration.

March 7, 8, 9, and 10, 1978, Hearings were held regarding the following House bill: H.R. 11315—Amending the FEC Act of 1971.

March 15, 1978, Hearings were held regarding the following bills and resolutions: H. Res. 1070—Funding for certain committees of the 95th Congress, 2nd Session.

April 11 and 13, 1978, Hearings were held regarding the following bills and resolutions: H. Res. 11983—Amending the FEC Act of 1971.

May 31, 1978, Hearings were held regarding the following bills and resolutions: S. Con. Res. 89—Printing of Senate document.

LISTING OF BILLS AND RESOLUTIONS ACTED UPON BY THE FULL COMMITTEE

H.R. 5400, March 22, 1977: To establish a universal voter resistration program, and for other purposes.	H. Rept. 95–318: Reported May 13, 1977.
H.R. 6936, May 5, 1977: To amend the Federal Election Campaign Act of 1971 to extend the authorization of appropriations contained in such Act.	H. Rept. 95–309: Passed House as S. 1435 July 18, 1977.
H.R. 8358, July 15, 1977: To amend Title 44, United States Code, to provide for the designation of libraries of accredited law schools as depository libraries of Government publications	H. Rept. 95–650: Passed House October 25, 1977.
H.R. 11315, March 6, 1978: To amend the Federal Election Campaign Act of 1971 to make certain changes in the reporting and disclosure requirements of such Act, and for other purposes.	H. Rept. 95–982: Rule Defeated March 21, 1978.
H.R. 11983, April 10, 1978: To amend the Federal Election Campaign Act of 1971 to extend the authorization of appropriations contained in such Act.	H. Rept. 95–1070: Passed House July 19, 1978.
H. Res. 287, February 16, 1977: To amend the Rules of the House of Representatives, and for other purposes.	H. Rept. 95–21: Passed House March 2, 1977.
H. Res. 421, March 22, 1977: Disapproving a proposed regulation of the Federal Election Commission.	Defeated by Full Committee (6 yeas; 9 nays).
H. Res. 442, March 28, 1977: Providing for funds for the expenses of the House Information Systems staff of the Committee on House Administration.	H. Rept. 95–137: Passed House March 31, 1977.
H. Res. 687, July 18, 1977: To provide for district office space for Members of the House of Representatives.	H. Rept. 95–600: Passed House September 20, 1977.
H. Res. 729, August 1, 1977: To provide funds for the expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence.	H. Rept. 95-562: Passed House August 5, 1977.
H. Res. 766, September 16, 1977: Providing for the reform of the administrative organization and legislative management services of the House of Representatives, and for other purposes.	H. Rept. 95–651: Rule Defeated October 12, 1977.

H. Res. 879, October 27, 1977: Authorizing funds for the standing and select committees of the House of Representatives.	H. Rept. 95–786: Passed House November 2, 1977.
H. Res. 884, October 31, 1977: Counsel to intervene in the case of Atkins v. United States.	H. Rept. 95–787: Passed House November 2, 1977.
H. Res. 977, January 25, 1978: To provide funds for the Committee on House Administration.	H. Rept. 95–878: Passed House February 15, 1978.
H. Res. 984, January 26, 1977: To provide funds for the Committee on House Administration.	H. Rept. 95–877: Passed House February 15, 1978.
H. Res. 1070, March 13, 1978: Funding authority for certaiin committees of 95th Congress, 2nd Session.	H. Rept. 95–959: Passed House March 30, 1978.
S. Con. Res. 8, February 1, 1977: Authorizing the printing of the committee print entitled "The Accounting Establishment" as a Senate document.	H. Rept. 95–113: Passed House March 31, 1977.
S. Con. Res. 53, October 12, 1977: Authorizing the printing of additional copies of hearings entitled "Panama Canal Treaties."	H. Rept. 95–805: Passed House November 3, 1977.
S. Con. Res. 89, May 24, 1978: Authorizing the printing of additional copies of Volume II of the Senate hearing entitled "Korean Influence Inquiry."	H. Rept. 95–1261: Passed House June 7, 1978.

LIST OF CONTESTED ELECTIONS REVIEWED BY THE COMMITTEE

Moreau v. Tonry		February 15, 1977
Chairman		Davis
Democratic Member		Gaydos
Republican Member		Badham
Tonry resigned.		
Joann Saunders v. Kelly	H. Res. 525	April 27, 1977
Chairman		Minish
Democratic Member		Mollohan
Republican Member		Devine
H. Rept. 95–242		
Passed House May 9, 1977		
Paul v. Gammage	H. Res. 526	April 27, 1977
Chairman		Ammerman
Democratic Member		Nedzi
Republican Member		Wiggins
H. Rept. 95–243		
Passed House May 9, 1977		
Pierce v. Pursell	H. Res. 528	April 27, 1977
Chairman		Burton
Democratic Member		Annunzio
Republican Member		Cleveland
H. Rept. 95–245		
Passed House May 9, 1977		
Young v. Mikva	H. Res. 527	April 27, 1977
Chairman		Panetta
Dmocratic Member		Hawkins
Republican Member		Stockman
H. Rept. 95–244		
Passed House May 9, 1977		

Hill v. Clay	H. Res. 822	October 6, 1977
Chairman		Van Deerlin
Democratic Member		Pattison
Republican Member		Frenzel
H. Rept. 95–723		
Passed House October 27, 1977		
Dehr v. Leggett	H. Res. 770	September 20, 1977
Chairman		Pattison
Democratic Member		Jones
Republican Member		Burke
H. Rept. 95–654		
Passed House October 27, 1977		
Lowe v. Fowler	H. Res. 825	October 11, 1977
Chairman		Ammerman
Democratic Member		Nedzi
Republican Member		Frenzel
H. Rept. 95–724		
Passed House October 27, 1977		

In addition, the Committee in January of 1978 undertook major actions to reform the regulations and accounting procedures for Members and Committees of the House of Representatives. These actions are embodied in the following text. Revisions promulgated by the Committee during 1978 are also included.

REGULATIONS

and

ACCOUNTING PROCEDURES

for

ALLOWANCES AND EXPENSES

of

COMMITTEES, MEMBERS AND EMPLOYEES

of the

U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS
January 1978

COMMITTEE ON
HOUSE ADMINISTRATION

Frank Thompson, Jr., *Chairman*

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

7

COMMITTEE ON HOUSE ADMINISTRATION

Ninety-fifth Congress

FRANK THOMPSON, Jr., New Jersey, *Chairman*

JOHN H. DENT, Pennsylvania
LUCIEN N. NEDZI, Michigan
JOHN BRADEMAS, Indiana
AUGUSTUS F. HAWKINS, California
FRANK ANNUNZIO, Illinois
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ED JONES, Tennessee
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MENDEL J. DAVIS, South Carolina
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JOHN L. BURTON, California
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LEON E. PANETTA, California
JOSEPH S. AMMERMAN, Pennsylvania

WILLIAM L. DICKINSON, Alabama
SAMUEL L. DEVINE, Ohio
JAMES C. CLEVELAND, New Hampshire
CHARLES E. WIGGINS, California
J. HERBERT BURKE, Florida
BILL FRENZEL, Minnesota
DAVE STOCKMAN, Michigan
ROBERT E. BADHAM, California

William G. Phillips, *Staff Director*
Robert E. Moss, *General Counsel*
Robert S. McGuire, *Auditor*
Charles T. Howell, *Associate Counsel*

NOTICE

These Regulations are effective January 3, 1978, and are based on applicable statutes, the Rules of the House of Representatives, and Committee Orders. Comments, queries and suggestions concerning these Regulations should be addressed to the Committee. (Tel. No. 225-2060).

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PART I. AUTHORITY OF THE COMMITTEE ON HOUSE ADMINISTRATION

A. The Committee on House Administration is a standing committee of the House of Representatives, created by the Legislative Reorganization Act of 1946.

B. The Rules of the House of Representatives in rule X(i) gives the Committee on House Administration the following powers and duties:

"(i) Committee on House Administration.

(1) Appropriations from the contingent fund.

(2) Auditing and settling of all accounts which may be charged to the contingent fund.

(3) Employment of persons by the House, including clerks for Members and committees, and reporters of debates.

(4) Except as provided in rule X, clause 1(p)(4), matters relating to the Library of Congress; and the House Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; management of the Library of Congress; purchase of books and manuscripts; erection of monuments to the memory of individuals.

(5) Except as provided in rule X, clause 1(p)(4), matters relating to the Smithsonian Institution and the incorpartion of similar institutions.

(6) Expenditure of contingent fund of the House.

(7) Matters relating to printing and correction of the Congressional Record.

(8) Measures relating to accounts of the House generally.

(9) Measures relating to assignment of office space for Members and committees.

(10) Measures relating to the disposition of useless executive papers.

(11) Measures relating to the election of the President, Vice President, or Members of Congress; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.

(12) Measures relating to services to the House, including the House Restaurant, parking facilities and administration of the House Office Buildings and of the House wing of the Capitol.

(13) Measures relating to travel of Members of the House

(14) Measures relating to the raising, reporting and use of campaign contributions for candidates for office of Representative in the House of Representatives and of Resident Commissioner to the United States from Puerto Rico.

(15) Measures relating to the compensation, retirement, and other benefits of the Members, officers, and employees of the Congress."

In addition to its legislative jurisdiction under the preceding provisions of this paragraph (and its general oversight function under clause 2(b)(1)), the committee shall have the function of performing the duties which are provided for in clause 4(d).

C. Further authority is granted to the Committee on House Administration by statute. The authority includes, but is not limited to, the following provisions:

1. Approval of appropriations for Committee employees:

"Appropriations for committee employees shall be available in such amounts and under such regulations as may be approved by the Committee on House Administration for compensation of employees of the standing committees of the House of Representatives, except the Committee on Appropriations."
(2 U.S.C. 72b)

2. Approval of payments from the contingent fund of the House of Representatives:

"Payments from the contingent fund made upon vouchers approved by said committee shall be deemed, held, and taken, and are declared to be conclusive upon all the departments and officers of the Government. No payment shall be made from said contingent fund as additional salary or compensation to any officer or employee of the House of Representatives." *(2 U.S.C. 95)*

3. (a) Power to adjust allowances:

"(a) Until otherwise provided by law, the Committee on House Administration may, as the committee considers appropriate, fix and adjust from time to time, by order of the committee, the amounts of allowances (including the terms, conditions, and other provisions pertaining to those allowances) within the following categories:

(1) for Members of the House of Representatives, the Resident Commissioner from Puerto Rico, and the Delegate from the District of Columbia allowances for clerk hire, postage stamps, stationery, telephone and telegraph and other communications, official office space and official office expenses in the congressional district represented (including, as applicable, a State, the Commonwealth of Puerto Rico, and the District of Columbia), official telephone services in the congressional district represented, and travel and mileage to and from the congressional district represented; and

(2) for the standing committees, the Speaker, the majority and minority leaders, the majority and minority whips, the Clerk, the Sergeant at Arms, the Doorkeeper, and the Postmaster of the House of Representatives—allowances for postage stamps, stationery, and telephone and telegraph and other communications.

(b) The contingent fund of the House of Representatives is made available to carry out the purposes of this section."
(2 U.S.C. 57)

(b) Limits placed upon power to adjust allowances:

"(a) Until otherwise provided by law, any allowance specified in subsection (a) (1) of the first section of H. Res. 457, Ninety-second Congress, relating to expenditures of funds from the contingent fund of the House of Representatives for certain allowances to Members, officers, and standing committees of the House (2 U.S.C. 57), adopted July 21, 1971, and enacted as permanent law by the Supplemental Appropriations Act, 1972 (Public Law 92–184; 85 Stat. 627), hereinafter in this section referred to as "H. Res. 457, Ninety-second Congress", may be fixed or adjusted only through the adoption of a resolution by the House of Representatives, except that the Committee on House Administration may fix or adjust such allowance in any case which such action by such committee is made necessary by—

(1) any change in the price of materials, services, or office space;

(2) any technological change or other improvement in electrical or mechanical equipment; or

(3) any increase in the cost of living which results in action under the Federal Pay Comparability Act of 1971.

(b) Upon the date of the adoption of this resolution, the authority of the Committee on House Administration under H. Res. 457, Ninety-second Congress, shall be subject to the provisions of this resolution."

(2 U.S.C. 57a)

4. Reporting of expenditures for official foreign travel—Group or Delegation (See Part II, D, 10, page 67.):

"Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on International Relations of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on International Relations shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on International Relations of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection."

(2 U.S.C. 276c-1)

5. Reporting of expenditures for official travel—Committees (See Part II, D, 11, page 69.):

"(b) Notwithstanding section 724 of Title 31, or any other provision of law, local currencies owned by the United States, which are in excess of the amounts reserved under section 2362(a) of this title, and of the requirements of the United States Government in payment of its obligations outside the United States, as such requirements may be determined from time to time by the President, (and any other local currencies owned by the United States in amounts not to exceed the equivalent of $75 per day per person exclusive of the actual cost of transportation) shall be made available to Members and employees of appropriate committees of the Congress engaged in carrying out their duties under section 190d of Title 2, and to the Joint Committee on Atomic Energy and the Joint Economic Committee and the Select Committees on Small Business of the Senate and House of Representatives and the Select Committee on Astronautics and Space Exploration of the House of Representatives and the Special Committee on Space and Astronautics of the Senate, for their local expenses. Within the first sixty days that Congress is in session in each calendar year, the chairman of such committee shall prepare a consolidated report itemizing the amounts and dollar equivalent values of each such foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure, including per diem (lodging and meals), transportation and other purposes, and showing the total itemized expenditures during the preceding calendar year of the committee, and of each member or employee of such committee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee be a Senate committee or joint committee whose funds are disbursed by the Secretary of the Senate), and shall be open to the public inspection. Each such consolidated report shall be published in the Congressional Record within ten legislative days after it is forwarded pursuant to this subsection." *(22 U.S.C. 1754(b))*

D. Further authority is granted to the Committee on House Administration by the Rules of the House of Representatives. This authority includes but is not limited to the following provisions:

1. Reporting by individuals on Committee travel outside the United States. (See Part II, D, 12, page 71.):

"(a)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions:

(A) No Member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during the day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a Member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred, by the Member or employee during any day.

(3) A Member or employee of a committee may not receive reimbursement for the cost of any transportation in connection with travel outside of the United States unless the Member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of Rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a Member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress."

(*Rule XI 2*(a))

2. Payment of witness fees. (See Part II, J, page 76.)

"The rule for paying witnesses to appear before the House or any of its committees shall be as follows: For each day a witness shall attend, the same per diem rate as established, authorized, and regulated by the Committee on House Administration for Members and employees of the House, and actual expenses of travel in coming to or going from the place of examination; but no per diem shall be paid when a witness has been summoned at the place of examination.".

(*Rule XXXV*)

PART II. REGULATIONS PERTAINING TO COMMITTEES

A. FUNDING RESOLUTIONS

The Committee on House Administration has adopted the following procedures for consideration of resolutions which would authorize funds for the operations of Committees.

1. Drafting a Funding Resolution:

a. The first funding resolution of a Congress, introduced by a Committee should incorporate an effective date of "January 3," if that resolution makes a request for funds for the entire session.

b. Any subsequent funding resolutions introduced should be drafted to reflect the fact that the funds requested are "for the further" expenses of the Committee.

2. Pertinent Information Regarding Funding Resolutions:

a. All funding resolutions expire immediately prior to noon on January 3, unless specifically provided otherwise, regardless of their effective date.

b. Unexpended balances remaining upon the expiration of a funding resolution will revert to the Contingent Fund of the House of Representatives when all outstanding obligations have been satisfied.

c. Each funding resolution will be for the *total* requirements of the Committee for the period of the resolution.

d. Funding resolutions may provide for the temporary or intermittent services of consultants, and for specialized training for professional staff employees. (See sample resolutions p. 7 and p. 8. See also, Part II, G and Part II, H, pages 72 and 74.)

e. No part of the funds authorized for studies and investigations to be conducted by any standing or select committee of the House shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose of any other committee of the House. The chairman of any committee contemplating such study or investigation shall furnish the Committee on House Administration information with respect to the study or investigation intended to be financed from that committee's investigating funds.

3. Procedure for Consideration of Resolutions by the Committee on House Administration:

a. The chairman of the committee requesting funds should address a letter to the Chairman of the Committee on House Administration requesting that a hearing be scheduled on the resolution. At the same time, 80 copies of the committee's proposed budget and statement in justification thereof should be transmitted to the Committee on House Administration. This budget and statement of justification shall as a minimum include a narrative outlining anticipated activities, a budget broken down into categories of expenditure, the prior period's budget and actual expenditures by category (provided by GAO) and a list of current committee employees.

b. The Chairman of the Committee on House Administration will transmit copies of the proposed budget to each member of the Subcommittee on Accounts for study and consideration. A hearing will then be scheduled by the Chairman of the Subcommittee on Accounts.

c. Both Majority and Minority Members of a Committee requesting funds are to be represented at a hearing before the Subcommittee on Accounts. It is the policy of the Committee on House Administration to ascertain, before taking action upon any request for funds, that the entire membership of a committee seeking funds has been consulted.

Expense Resolution Containing A Consultants Provision

______ CONGRESS
______ Session

H. RES. ______

IN THE HOUSE OF REPRESENTATIVES

To provide for the expenses of investigations,
and studies to be conducted by the Committee on ______

Mr. ______ submitted the following resolution; which was
______

RESOLUTION

Resolved, That (*______) expenses of investigations and studies to be conducted by the Committee on ______, acting as a whole or by subcommittee, not to exceed $______, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $______ of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on ______ shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 19--.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

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*For the first resolution at the beginning of a Congress insert "effective January 3, 19--, the". For subsequent resolutions during a Congress insert "for the further".

Expense Resolution Containing a Staff Training Provision

____ CONGRESS
____ SESSION
H. RES. ________

IN THE HOUSE OF REPRESENTATIVES

To provide for the expenses of investigations,
and studies to be conducted by the Committee on ________

Mr. ________ submitted the following resolution; which was

____

RESOLUTION

Resolved, That (*____) expenses of investigations and studies to be conducted by the Committee on ____________________, acting as a whole or by subcommittee, not to exceed $____________________, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for specialized training, pursuant to section 202(j) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(j), of committee staff personnel performing professional and nonclerical functions, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $____________________ of the total amount provided by this resolution may be used to provide for specialized training, pursuant to section 202(j) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(j), of staff personnel of the committee performing professional and nonclerical functions; but this monetary limitation on such specialized training shall not prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on ________________ shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 19--.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

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*For the first resolution at the beginning of a Congress insert "effective January 3, 19--, the". For subsequent resolutions during a Congress insert "for the further".

EXPENSE RESOLUTION CONTAINING BOTH THE CONSULTANTS AND STAFF TRAINING PROVISIONS

______ CONGRESS
______ SESSION

H. RES. ______

IN THE HOUSE OF REPRESENTATIVES

To provide for the expenses of investigations, and studies to be conducted by the Committee on ______

Mr. ______ submitted the following resolution; which was ______

RESOLUTION

Resolved, That (*____) expenses of investigations and studies to be conducted by the Committee on ______________, acting as a whole or by subcommittee, not to exceed $______________, including expenditures --

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $______________ of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $______________ of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

Sec. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on ______________ shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

Sec. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 19--.

Sec. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

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*For the first resolution at the beginning of a Congress insert "effective January 3, 19--, the". For subsequent resolutions during a Congress insert "for the further".

B. ACCOUNTING PROCEDURES

1. INTRODUCTION

The accounting system relates to funds authorized from the contingent fund of the House to standing and select committees and other entities of the House for studies and investigations in the discharge of the official duties and responsibilities of such committees, as authorized by the Rules and precedents of the House of Representatives.

The accounting system is designed to: (1) provide committees of the House of Representatives with a standard and uniform system of accounting for the expenditure of funds authorized. Information is thereby provided to members of committees to assist in controlling expenditures, and to insure their efficient and economical use, and (2) provide the Committee on House Administration with information necessary to discharge its responsibilities of approving and auditing expenditures from the contingent fund.

This accounting system utilizes a single general journal in which authorizations and expenditures are recorded. It enables a committee to readily determine amounts expended and balances remaining in various expense classifications. The Journal provides the information needed to file the statement of expenses, and the fund balance statement, which are part of the monthly report. The procedures illustrated may be supplemented to meet any special needs of a committee.

The accounts shall be subject to audit by representatives of the Committee on House Administration.

2. GENERAL DESCRIPTION OF THE SYSTEM

a. GENERAL JOURNAL

All transactions are recorded in a general journal directly from the voucher approved by the committee Chairman. The general journal is designed for the recording of expenditures of committee funds and serves both as the chronological record of transactions and as the ledger of accounts. The amounts remaining in the authorization and budget accounts can be determined by subtracting the payments from the authorization and budget balances.

It will be noted that the example on page 14 illustrates a general journal with eight expense classifications. Committees may wish to break down their expenses in more detail or keep special items separate. Extra columns in the expense classification section of the general journal may be used for this purpose.

b. MONTHLY REPORT

Each committee is required to submit a monthly report to the Committee on House Administration (3 copies). This report is to consist of the following:

(1) A certification by the chairman of the reporting committee that copies of the report are available to members of the committee for examination.

(2) A summary of the progress of the specific studies and investigations for which funds were approved and the projected program for the following month.

(3) A statement of expenses and a fund balance statement.

(4) Report of travel.

(5) Listing of committee employees that includes both the standing committee staff and the investigative staff, their city or county of residence, their gross monthly salaries, and their title.

(6) Listing of consultants that includes their city or county of residence or business address, their compensation and their contractual duties.

The monthly report will be furnished to the Committee on House Administration no later than the 15th day after the close of the month and shall be open for inspection.

3. DETAILED PROCEDURES AND SAMPLE ENTRIES

a. GENERAL

This chapter illustrates the recording of transactions in the general journal, the petty cash fund and the monthly closing of the financial records. The fiscal period should always begin at the effective date of the authorization. The fiscal period in the illustration below starts January 3.

b. RECORDING THE AUTHORIZATION

Assume that the Committee on ABC is authorized $300,000 on January 3, budgeted as follows:

Salaries	$282, 900
Travel	1, 200
Contracts for consultant services	8, 700
Witness fees	1, 200
Stationery and supplies	900
Telephone and telegraph	600
Periodicals	300
Miscellaneous	4, 200
Total	300, 000

The first entry in the general journal is to record the authorization of contingent funds or the amounts budgeted for each of the expense classifications. During the fiscal period, the amounts paid out for expenses will be subtracted from the authorization balance and the budgeted expense amounts to show the balance remaining in the authorization and budget for each expense.

To avoid confusing the authorization and budget balances with the actual expense payments, it is recommended that the initial authorization and budget entry be made in red, and that the authorization and budget balances which are carried forward at the end of each month be entered in red.

The entry for recording the authorization and budgeted amounts in the general journal is illustrated on page 14, line 1, as follows:

(1) In the first column headed "Date of voucher," enter the effective date of the authorization.

(2) In the third column headed "Payee," enter the word "authorization" and cite the House resolution number.

(3) In the fourth column headed "Amount," enter the total amount of the authorization (in red).

(4) In the various expense classification columns enter the amounts budgeted for each expense (in red).

c. PAYMENT OF EXPENSES

This section illustrates the entries for the payment of various expenses other than those paid from petty cash. Each voucher should be assigned a Committee voucher number by the clerk preparing the voucher for approval and payment. The committee voucher numbers and dates should be written or typed in the upper left hand corner of the voucher and should run in numerical sequence through the fiscal period. On occasion a single payment will include two or more expense categories. An example of this is a voucher to replenish the petty cash fund.

Expense entries are made from approved vouchers as follows:

(1) *Date of voucher.*—In the first column enter the date.

(2) *Voucher No.*—In the second column enter the number of the voucher.

(3) *Payee.*—In the third column enter the name of the person to be paid. When recording the payroll vouchers, the word "payroll" and the period covered should be entered in this column.

(4) *Amount.*—In the fourth column enter the total amount paid and, also, the amount paid should be placed under the appropriate expense classification or classifications.

(5) *Salaries.*—The total gross monthly salary chargeable to studies and investigations should be entered in this column. The Government's contributions to retirement, group life insurance, and health benefits are not charged to a committee's authorization and should not be entered.

(6) *Travel.*—Cost of travel by members and employees of the committee, should be entered in this column.

(7) *Contracts of consultant services.*—Expense of obtaining the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations to make studies or advise the committee with respect to any matter within its jurisdiction.

(8) *Witness fees.*—The travel allowance and fee paid to witnesses who testify before the committee are entered in this column.

(9) *Stationery and supplies.*—The cost of stationery and supplies chargeable to studies and investigations should be charged to this expense.

(10) *Telephone and telegraph.*—The cost of telephone and telegraphic services chargeable to studies and investigations should be charged to this expense.

(11) *Periodicals.*—The cost of periodicals purchased by the committee from studies and investigative funds should be charged to this expense.

(12) *Miscellaneous.*—Miscellaneous expenses incurred by the committee but not properly chargeable to the other expense classifications should be charged to this expense. Equipment rentals, equipment repairs, etc., are examples of this type of expense.

Sample journal entries are illustrated for the payment of typical expenses as follows:

(1) *Stationery purchase.*—Line 3 shows the journal entry for the payment of a $30 invoice from A Stationery Co., for stationery purchased.

(2) *Contracts for consultant services.*—Line 4 shows the journal entry for the payment of $400 to B. Jones for consultant services to the committee.

(3) *Periodicals.*—Line 5 shows the journal entry for the payment of $20 to the C Book Co., for periodicals purchased.

(4) *Travel.*—Line 6 shows the journal entry for the payment of $150 to D. Smith for travel.

(5) *Telephone and Telegraph.*—Line 7 shows the journal entry of $125 to C. & P. Telephone Co. for monthly phone charges.

(6) *Payroll.*—Line 9 shows the journal entry for recording the monthly payroll.

ILLUSTRATIVE GENERAL JOURNAL—COMMITTEE

Committee on ABC, general journal, January 197–

Line	Date of voucher (1)	Voucher No. (2)	Payee (3)	Amount (4)	Salaries (5)	Travel (6)	Contracts for consultant services (7)	Witness fees (8)	Stationery and supplies (9)	Telephone and telegraph (10)	Periodicals (11)	Miscellaneous (12)	Petty cash memorandum (13)
1	Jan. 3		Authorization (H. Res. 342)	**$300,000.00**	**$282,900.00**	**$1,200.00**	**$8,700.00**	**$1,200.00**	**$900.00**	**$600.00**	**$300.00**	**$4,200.00**	
2	Jan. 3	76–1	M. Jones, petty cash custodian										$50.00
3	Jan. 5	76–2	A. Stationery Co	30.00					30.00				
4	Jan. 7	76–3	B. Jones	400.00			400.00						
5	Jan. 21	76–4	C. Book Co	20.00							20.00		
6	Jan. 23	76–5	D. Smith	150.00		150.00							
7	Jan. 31	76–6	C. & P. Telephone Co	125.00						125.00			
8	Jan. 31	76–7	M. Jones, petty cash custodian	37.50		7.50			9.00		12.00	9.00	
9	Feb. 3	76–8	Payroll, Jan. 3–31, 19__	22,000.00	22,000.00								
10			January totals	22,762.50	22,000.00	157.50	400.00		39.00	125.00	32.00	9.00	50.00
11			Expenditures year to date	22,762.50	22,000.00	157.50	400.00		39.00	125.00	32.00	9.00	
12			Balance remaining	**277,237.50**	**260,900.00**	**1,042.50**	**8,300.00**	**1,200.00**	**861.00**	**475.00**	**268.00**	**4,191.00**	**50.00**

NOTE: Figures to be entered in RED are indicated by bold face type.

4. CLOSING THE BOOKS

After the close of the month, the month's entries are summarized, checked for accuracy, expenditures totaled by classification for year to date totals, and the unexpended balances remaining in the authorization and expense budgets are carried forward to the next month. This process is called closing the books. To insure payments for payrolls are recorded in the proper month, the books are kept open until the approved payroll voucher is received by the committee from the Finance Office. After the payroll voucher has been recorded in the general journal, the file of the vouchers submitted for payment during the month should be reviewed to insure that all have been properly recorded. The following steps to close the books are then performed:

(1) Total the amounts entered in the various expense classification columns and the fourth column headed "Amount." In totaling the various columns, care should be taken not to include the unexpended balances of the authorization and expense budgets. The totals for the month should be entered on the line below the last entry for the month. (See line 10 of the Illustrative General Journal.)

(2) Subtract the total payments for the month from the budgeted expenses and the unexpended authorization amount to determine the balances remaining at the end of the month. The remaining balances are then entered in red below the monthly totals as shown on line 12 of the Illustrative General Journal. On occasion, the payments for a given expense classification may exceed the amount budgeted. This credit balance should be circled in the general journal and on the trial balances. In adding the total balance the credit balance, or circled figures, should be subtracted to reach the total in the fourth column of the general journal headed "Amount," Payments in excess of the amount budgeted do not indicate an overdrawn authorization. A deficit in the authorization occurs only when the balance remaining in the fourth column headed "Amount" is a credit balance. A credit balance in the expense classification columns merely points out a need for the review of that item for corrective action.

(3) Prepare trial balances of the payments and of the balances remaining in the authorization and budgeted expense amounts. This is done to insure that the general journal is in balance and to prepare the monthly financial statements. A trial balance of the expense payments follows:

House of Representatives, Committee on ABC, expense trial balance, month ended Jan. 31, 197-

Expenses:	
Salaries	$22,000.00
Travel	157.50
Stationary and supplies	39.00
Telephone and telegraph	125.00
Periodicals	32.00
Miscellaneous	9.00
Contracts for consultant services	400.00
Total expenses paid during month	22,762.50

It should be noted that the total payments, $22,762.50, equals the monthly total entered in the fourth column of the general journal headed "Amount." The establishment of the petty cash fund is not an expense but is entered for memorandum purposes only.

A trial balance of the balances remaining in the authorization and budgeted expense accounts is then prepared as follows:

House of Representatives, Committee on ABC, budget trial balance for the month ended Jan. 31, 197–

Balances remaining:	
Salaries	
Travel	$260,900.00
Witness fees	1,042.50
Stationery and supplies	1,200.00
Telephone and telegraph	861.00
Periodicals	475.00
Miscellaneous	268.00
Contracts for consultant services	4,191.00
	8,300.00
Total—Balance remaining	277,237.50

Since the balance remaining in the trial balance equals the balance remaining in the fourth column of the general journal headed "Amount," the general journal is in balance.

The trial balances should be retained as they will be used to prepare financial statements as discussed n the next chapter.

(4) Call the Finance Office and obtain balance of overall account per their records and reconcile to ommittee books. Make any necessary adjustments resulting from errors. Outstanding vouchers do not quire an adjusting entry.

(5) Record the balances remaining in the authorization and budgeted expense accounts (in red) on the st line of a new page for the next month.

After the balances have been brought forward, the entries to record the payments for the next month ay be made. If it is desired to make entries for the payment of the next month's expenses prior to bringing e balances forward, the entries are made in the usual manner, leaving room at the top of the page for the lances brought forward.

At the end of the year or funding resolution, after the books have been closed in accordance with the ove instructions, the books will be made available to the General Accounting Office for audit. This set books must then be maintained until all obligations incurred under the funding resolution accounted for ve been satisfied. If obligations remain outstanding for longer than ninety days, aggressive action must initiated to clear them from Committee records.

e. PETTY CASH FUND

Frequently, it is more economical and convenient to pay small miscellaneous expenses such as local taxi fares, emergency supplies, and postage due with cash rather than by check. A petty cash fund for the payment of such expenses may be established and replenished as necessary.

f. RESTRICTION ON USE OF PETTY CASH FUND

If a committee elects to use a petty cash fund, the following shall be complied with:

(1) There shall be designated, by the chairman, in writing, a petty cash custodian who shall maintain sole custody of the petty cash fund. Copies of the designation should be furnished the Finance Office and the Committee on House Administration.

(2) The petty cash fund shall not exceed $100.

(3) Payments from the petty cash fund shall be made only on properly completed petty cash receipts, signed by the payee.

(4) Under no circumstances will the petty cash fund be used for the following types of payments:

(*a*) Travel, other than local.
(*b*) Per diem payments.
(*c*) Check cashing.

(5) Under no circumstances will loans or advances of any type be made from the petty cash fund or will the funds be used to pay expenses not otherwise properly payable from committee funds.

(6) The petty cash fund will be subject to unannounced audits by representatives of the Committee on House Administration.

(7) The petty cash fund shall be replenished on a standard voucher approved by the committee chairman. The voucher will be supported by the paid petty cash receipts and a summary of the expenses paid from the petty cash fund shall be placed on the face of the voucher.

g. ESTABLISHING THE PETTY CASH FUND

After the letter designating the custodian has been prepared, a standard voucher payable to the petty cash custodian is prepared and recorded in the general journal as a memorandum entry. The Finance Office will charge this to the account entitled, "Advances to Members, Officers, and Employees", and not against committee funds. This entry provides a record in the general journal of the total amount of the petty cash fund for which the designated custodian is responsible.

For illustration purposes, it will be assumed that the committee has decided to establish a petty cash fund of $50.

The general journal entry establishing the petty cash fund is illustrated in line 2 of the Illustrative General Journal as follows:

(1) In the first and second columns headed "Date of voucher" and "Voucher No." enter the date and number of the voucher used to pay the funds to the custodian.

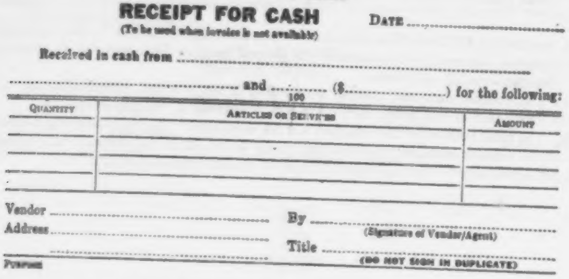
(2) In the third column headed "Payee," enter the name of the petty cash custodian to whom the cash will be paid.

(3) In the column headed "Petty cash memorandum," enter the amount of the voucher.

No further entries in the petty cash memorandum column of the general journal are necessary unless the petty cash fund is increased or decreased at some future date.

b. PROPER METHODS USED TO MAINTAIN FUND

Payments made by the petty cash custodian from the petty cash fund shall be recorded on petty cash receipts. These payments are not recorded in the general journal until the petty cash fund is replenished. An illustration of a petty cash receipt follows:



Form 7-8 UNITED STATES HOUSE OF REPRESENTATIVES

RECEIPT FOR CASH

(To be used when invoice is not available)

DATE ....

Received in cash from ....

.... and ...... /100 ($..........) for the following:

Quantity	Articles or Services	Amount

Vendor ....

Address ....

....

By ....
(Signature of Vendor/Agent)

Title ....
(DO NOT SIGN IN DUPLICATE)

Purpose

The step-by-step procedures for replenishing the fund and recording the expenses are as follows:

(1) Examine the petty cash receipts and classify them according to the expense classifications which appear in the general journal, i.e., travel, stationery, periodicals, etc. After analyzing the receipts, prepare a schedule summarizing the expenses according to the various expense classifications.

(2) Add the total of the petty cash receipts to the cash on hand. The total should equal the original amount of the petty cash fund.

(3) Prepare a standard voucher to reimburse the petty cash custodian for the total amount of the expenses paid from the fund. These expenses should be summarized on the voucher by expense classification and the petty cash receipts totaling the reimbursement, should be attached to the voucher.

(4) Record the voucher in the general journal. The total amount of the voucher is entered in the fourth column headed "Amount." The amounts paid for each of the expense classifications, as summarized on the voucher, are entered in the various expense classification columns.

When the above procedures are completed and the voucher paid, the petty cash payments will be properly ecorded and the fund will be replenished to its original amount.

To illustrate the procedures followed, assume the petty cash custodian has made payments of $37.50 om the petty cash fund. In accordance with paragraph (1), above, the following schedule is prepared:

Local travel	$7. 50
Periodicals	12. 00
Miscellaneous	9. 00
Stationery	9. 00
Total	37. 50

The balance of cash on hand is counted and added to the payments made during the period to ascertain that the total equals the amount of the fund as shown below:

Payments made during period	$37.50
Cash on hand	12.50
Total, original amount of fund	50.00

A standard voucher for $37.50 is then prepared to reimburse the custodian for the payments made from the fund. After approval, the voucher is entered in the general journal. This entry is illustrated on line 8 of the Illustrative General Journal, as follows:

(1) The voucher date and number are entered in the first and second columns.
(2) The name of the petty cash custodian is entered in the payee column.
(3) The total amount of the voucher, $37.50, is entered in the fourth column headed "Amount."

The totals of the various expenses classifications; local travel, $7.50; periodicals, $12; miscellaneous, $9; and stationery, $9, are entered in the appropriate expense classification columns.

4. COMMITTEE ACCOUNTING CONTROLS OVER TRAVEL

A travel register will be maintained to record the travel orders issued by the committee and the sub-sion of travel vouchers relative to the orders. Below is an illustration of a travel register, showing ple entry. Travel orders are recorded in section 1 of the travel register in numerical sequence and, as chers are submitted relating to the travel authorized, they are recorded in section 2. Reference to the cher on which payment for transportation purchased with Transportation Requests should be shown in "remarks" section of the travel register.

TRAVEL REGISTER
COMMITTEE ON ABC
JUNE 197-
Travel authorized (sec. 1)

el er n	Traveler	Dates of travel		Purpose of trip	Itinerary	Estimated costs			
		From—	To—			Per diem	Other	Transportation	Total
....	William Smith.	June 1, 197—	June 3, 197—	Investigate programs of drug abuse prevention centers.	DC-St. Louis-D.C.	$100	$50	$200	$350

Travel performed (sec. 2)

el er e.	Committee voucher		Reimbursement claimed					Cost of transportation purchased by transportation request	Remarks
	No.	Date	Itinerary	Mileage	Per diem	Other	Total		
....	95-57.	June 4, 197—	D.C.-St. Louis-D.C.	....	$100	$30	$130	$200	

Monthly transportation billings by carriers should be carefully reviewed to determine that proper claims made for any unused or rewritten tickets. The travel register and retained copies of the travel orders, el vouchers, and memorandum copies of the transportation request will be used in making the determina-n. The travel orders will show the travel authorized and the travel vouchers will show the tickets pur-sed with transportation requests and the travel actually performed. Each committee will be responsible processing refund applications for changes in service or unused tickets.

A standard voucher form will be used by the committee in payment of the transportation company ings.

5. PREPARATION OF MONTHLY REPORT

A complete monthly report is shown on pages 22 thru 28. Additionally the following explanation is provided.

a. PREPARATION OF STATEMENT OF EXPENSES

The trial balances prepared at the end of the month when the books are closed serve as the source of information for the preparation of the financial statements. The trial balances present in summary form the payments for the various expenses and the balances remaining in the budget. These summary figures are simply entered in the proper location on the financial statement format.

Using the trial balance illustrated in chapter B,3,d, the following statement of expenses for the month of January would be prepared:

House of Representatives, Committee on ABC, Statement of Expenses, January 197–

	Jan. 197-	Cumulative to funding resolution
Salaries	$22, 000. 00	$22, 000. 00
Travel	157. 50	157. 50
Stationery and supplies	39. 00	39. 00
Telephone and telegraph	125. 00	125. 00
Periodicals	32. 00	32. 00
Miscellaneous	9. 00	9. 00
Contract for consultant services	400. 00	400. 00
Total expenses	22, 762. 50	22, 762. 50

Since January is the first month of the fiscal period, the above statement shows only the expenditures for that month. An illustration of a Statement of Expenses showing several months is shown on page 24.

b. PREPARATION OF THE FUND BALANCE STATEMENT

The fund balance statement shows the balance remaining in the authorization at the date of the statement. The statement is prepared by subtracting the cumulative expenses paid during the fiscal period from the total authorization. Using the trial balance illustrated in chapter B,3,d of this Part the fund balance statement would appear as follows:

HOUSE OF REPRESENTATIVES, COMMITTEE ON ABC
FUND BALANCE STATEMENT, JAN. 31, 197–

Total authorization H. Res. —		$300, 000. 00
Less—Expenses, month of January	$22, 762. 50	
		22, 762. 50
Unexpended authorization, Jan. 31, 197–		277, 237. 50
Petty cash fund		50. 00

Since January is the first month of the fiscal period, the above statement shows only the expenditures for that month. It should be noted that this illustration is for a committee which has the petty cash fund. An illustration of a Fund Balance Statement showing several months' expense and not having a petty cash fund is shown on page 24.

The Statement of Expenses and Fund Balance Statement will be prepared for each funding resolution until all the outstanding obligations of that resolution are satisfied.

c. PREPARATION OF THE REPORT OF TRAVEL

This report is to be a copy of the travel register for the appropriate month.

Monthly Report—Cover Letter and Certification

Hon. Frank Thompson, Jr.,
Chairman, Committee on House Administration,
House of Representatives, Washington, D.C.

Dear Mr. Chairman:

In accordance with the regulations of the Committee on House Administration, I am submitting herewith three copies of the monthly report for June, 197–, including:

1. Summary of specific studies and investigation, and projected program for next month.
2. A statement of expenses and fund balance.
3. A statement of Committee travel expenses.
4. A listing of Committee employees showing their addresses, title, and gross monthly salaries.
5. A listing of consultants showing their addresses, gross monthly compensation, and contractual duties.

This letter also certifies that copies of this report are available to each Member of the Committee on ABC.

Sincerely,

John Doe,
Chairman, Committee on ABC.

Enclosures:

Monthly Report—Summary of Progress and Projected Programs

SUMMARY OF PROGRESS OF SPECIFIC STUDIES AND INVESTIGATIONS AND THE PROJECTED PROGRAM FOR THE FOLLOWING MONTH

JUNE

The Full Committee convened June 2nd and 21st to consider pending business. On June 14th, the Secretary of "XYZ" briefed the members on his recent trip abroad and also spoke on H.R."I" which is pending before the Full Committee. During this month, the Subcommittee on "DEF" held hearings June 10th, 11th, and 12th, on H.R."II", passed the bill, and referred it to the Full Committee.

The above section describes the work being carried out by the Full Committee and Subcommittees during the month. Each summary will vary according to the amount of detail, but should include the dates of meetings and the subject matter discussed, as well as the pieces of legislation under consideration.

JULY

During July, the Full Committee will be holding mark-up sessions on H.R."II" as well as continuing to work in the area of its responsibility.

This section provides a brief projection of what the Committee intends to take up in the next month.

MONTHLY REPORT—STATEMENT OF EXPENSES AND FUND BALANCE STATEMENT

HOUSE OF REPRESENTATIVES, COMMITTEE ON ABC

STATEMENT OF EXPENSES, JUNE 197–

	June 19..	*Cumulative for funding resolution*
Salaries	$108, 738. 19	$482, 586. 01
Travel	6, 821. 04	13, 737. 54
Witnesses	2, 238. 80	3, 589. 56
Stationery supplies	1, 070. 77	4, 409. 27
Telephone/telegraph	775. 73	3, 508. 17
Publications	1, 308. 21	9, 515. 25
Equipment lease	2, 035. 57	8, 544. 21
Miscellaneous	351. 05	1, 311. 15
Total expenses	123, 339. 36	527, 201. 16

HOUSE OF REPRESENTATIVES, COMMITTEE ON ABC

FUND BALANCE STATEMENT, JUNE 30, 197–

Total authorization:		
H. Res. —		$2, 697, 000. 00
Less: Expenses, 197–	January	72, 429. 19
	February	69, 139. 00
	March	73, 551. 05
	April	90, 482. 37
	May	98, 260. 19
	June	123, 339. 36
Total committee expenses to date		527, 201. 16
Unexpended authorization, June 30, 197–		2, 169, 798. 84

MONTHLY REPORT—TRAVEL

REPORT OF TRAVEL

COMMITTEE ON ABC, JUNE 197–

Travel authorized (sec. 1)

Travel order No.	Traveler	Dates of travel		Purpose of trip	Itinerary	Estimated costs			
		From—	To—			Per diem	Other	Transportation	Tot
5000	William Smith.	June 1, 197–	June 3, 197–	Investigate programs of drug abuse prevention centers.	DC-St. Louis-D.C.	$100	$50	$200	$3

Travel performed (sec. 2)

Travel order No.	Committee voucher		Reimbursement claimed					Cost of transportation purchased by transportation request	Remarks
	No.	Date	Itinerary	Mileage	Per diem	Other	Total		
5000	95–57	June 4, 197–	D.C.-St. Louis-D.C.	....	$100	$30	$130	$200	

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Monthly Report—Listing of Standing Committee Staff

HOUSE OF REPRESENTATIVES

COMMITTEE ON ABC EMPLOYEES, JUNE 197-

STANDING COMMITTEE STAFF

Name	Address	Title	Gross monthly salary
William Smith	Alexandria, Virginia	Staff Director	$3, 000. 00
Jack Roberts	Fairfax County, Virginia	Legal Counsel	2, 500. 00
David Adams	Bethesda, Maryland	Minority Counsel	3, 000. 00

Monthly Report—Listing of Investigative Committee Staff

HOUSE OF REPRESENTATIVES

COMMITTEE ON ABC EMPLOYEES, JUNE 197–

INVESTIGATIVE COMMITTEE STAFF

Name	Address	Title	Gross monthly salary
William Jones	Washington, D.C.	Research Assistant	$1,900.00
Jean Smith	McLean, Virginia	Clerk	1,200.00
Alice Ford	Oxon Hill, Maryland	Secretary	900.00

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Monthly Report—Listing of Consultants

HOUSE OF REPRESENTATIVES

COMMITTEE ON ABC CONSULTANTS, JUNE 197–

Name	Address	Contractual Duties	Compensation
F. Falstaff	Washington, D.C.	Investigator	$3,000.00
McG., Inc.	Dallas, Tex.	Conservation Study	10,000.00
H. Hamm	Seattle, Wash.	Water Purity Study	2,000.00
Dr. J. Jones	Alexandria, Va.	Edit and Summarize Hearings	500.00

C. EMPLOYMENT OF STAFF

1. Official appointments of all persons employed pursuant to resolutions providing funds for studies and investigations must be:

(*a*) executed and signed by the chairman of each committee;

(*b*) in addition, appointments to subcommittees must be signed by the chairman of the subcommittee;

(*c*) approved by the Committee on House Administration; and

(*d*) filed with the House Finance Office. (See sample Payroll Authorization Form, page 31.)

2. (*a*) The Clerk of the House of Representatives shall disburse salary payments to employees only upon a monthly certification by each committee and subcommittee Chairman or officer of the House as to the amount of said salary, the physical location of each employee, the regular performance of official duties, and the relationship of each employee to any current Member of Congress. The following are the relationships to be included in the certification:

father
mother
son
daughter
brother
sister
uncle
aunt
first cousin
nephew
niece
husband
wife
father-in-law
mother-in-law
son-in-law
daughter-in-law
brother-in-law
sister-in-law
stepfather
stepmother
stepbrother
stepsister
stepson
stepdaughter
half-brother
half-sister

(See sample Relationship Certification Form, page 48.)

(*b*) The Clerk is authorized to disburse salary payments for no more than one pay period based upon the certification for the preceding period when the current certification is not available. (See sample Payroll Certification Form, page 32.)

(*c*) Where an individual employee is assigned to and performs official duties for two or more employment sources within the House, and the salary of such employee is allocated between the respective employment sources, then each employment source shall certify only as to the official duties performed for and the allocable portion of the salary chargeable to such employment sources.

3. A committee or subcommittee chairman, or officer of the House is prohibited by law from employing relatives. Persons with the relationship to a Member described in 2(*a*) above, may not be hired by that Member and paid with money from the Treasury of the United States. (See 5 U.S.C. § 3110. See page 137.)

4. "A Member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin." (Rule XLIII, paragraph 9, Rules of the House of Representatives.)

5. When a Committee employs a Federal annuitant, the amount of the annuity, when added to the amount received from the committee, cannot exceed the per annum rate authorized in Clause 6 of Rule XI of the Rules of the House of Representatives. The combined total of the annuity and the amount received from the committee will be charged against the committee's funds, except that annuitants employed on or before September 21, 1977 shall be exempt from the provisions of this sentence.

6. (*a*) Leave without pay (LWOP) is an absence without pay which is approved in response to an application initiated by an employee.

(*b*) The approval of LWOP is a matter of administrative discretion, and approval is usually given only when an employee demonstrates a genuine need to be absent from his official duties. Such requests should not be approved unless the employee's total employment record justifies favorable action.

(*c*) As a basic condition to approval of LWOP, there should be reasonable assurance that the employee will return to duty at the end of the approved period and that the office will benefit in some measure from the absence. It should be apparent that at least one of the following benefits should result: increased job ability, retention of a desirable employee, protection or improvement of employee's health, or furtherance of a program of interest to the office. LWOP will not be authorized for any period in excess of 3 months, without the prior written approval of the Committee on House Administration for good cause shown, but in no case shall the period of LWOP exceed one year.

(*d*) LWOP should be requested in advance of the period of absence. The employer then files with the Clerk of the House a Payroll Authorization Form, checking the appropriate box, and specifying the date upon which the LWOP status is to be terminated, not to exceed 3 months. No person may be in a LWOP status more than once during any Congress, without the prior written approval of the Committee on House Administration for good cause shown. (See sample Payroll Authorization Form, page 33.)

(*e*) Health benefits enrollment and coverage continue without premium to the employee or employer for up to 365 days.

(*f*) Life insurance continues for up to 12 months, without contribution.

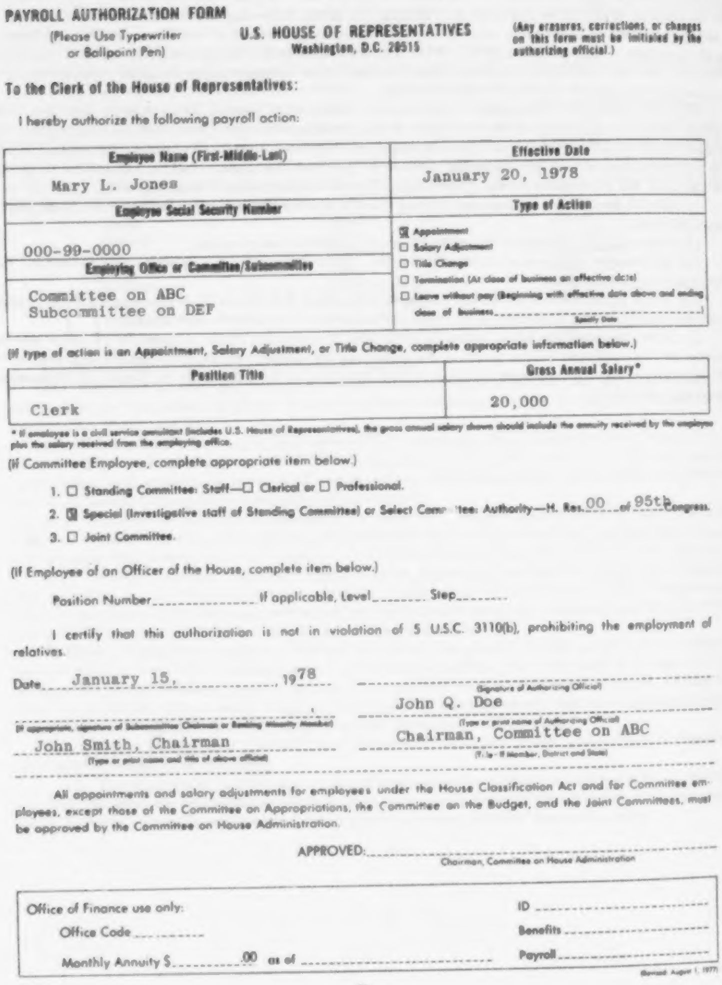
(*g*) Retirement continues without contribution. Up to six months in a calendar year is credited for service in annuity computation.

(*h*) When a professional or clerical employee under Rule XI, Clause VI is placed in a LWOP status, he/she continues to occupy a position as an employee under that Committee's entitlement.

(*i*) When an employee whose salary is paid from investigative funds is placed in a LWOP status, no person may be employed in that position. No more than two persons on the investigative staff may be in a LWOP status at any time without the prior written approval of the Committee on House Administration for good cause shown.

37-439 O - 75 - 4

SAMPLE PAYROLL AUTHORIZATION FORM



PAYROLL AUTHORIZATION FORM
(Please Use Typewriter
or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	**Effective Date**
Mary L. Jones	January 20, 1978
Employee Social Security Number	**Type of Action**
000-99-0000	☒ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☐ Leave without pay (Beginning with effective date above and ending close of business ______________ (Specify Date))
Employing Office or Committee/Subcommittee	
Committee on ABC Subcommittee on DEF	

(If type of action is an Appointment, Salary Adjustment, or Title Change, complete appropriate information below.)

Position Title	**Gross Annual Salary***
Clerk	20,000

* If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☒ Special (Investigative staff of Standing Committee) or Select Committee: Authority—H. Res. 00 of 95th Congress.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number______________ If applicable, Level_______ Step_______

I certify that this authorization is not in violation of 5 U.S.C. 3110(b), prohibiting the employment of relatives.

Date January 15, 1978

____
(Signature of Authorizing Official)

John Q. Doe
(Type or print name of Authorizing Official)

Chairman, Committee on ABC
(Title - If Member, District and State)

____
(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member)

John Smith, Chairman
(Type or print name and title of above official)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED: ______________________________
Chairman, Committee on House Administration

Office of Finance use only:
Office Code __________
Monthly Annuity $__________.00 as of ______________
ID ______________
Benefits ______________
Payroll ______________

(Revised August 1, 1977)

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                 DATE       10/07/77        U. S. HOUSE OF REPRESENTATIVES                                         PAGE    1162
                 REPORT ID 001.00.00              PAYROLL CERTIFICATION
                                           ACCOUNTING PERIOD 09/01/77 TO 09/30/77

                 OFFICE  73050
                 TYPE ALLOWANCE  LUMP SUM    SALARY LIMITS: MIN  1,200.00 MAX 47,500.00

SOC SEC NUM      EMPLOYEE NAME                             ANNUAL      GROSS PAY        PERIOD                REMARKS
                  POSITION NO. AND JOB TITLE                 SALARY     EARNED      FROM      TO



                                          OFFICE PAYROLL SUMMARY

                           EMPLOYEES                     THIS MONTH                             SALARY PROJECTION
                           NUMBER OF                PAYROLL EXPENDITURES                              USED
                          PAID/ACTIVE                    USED

                 CLERICAL                                   .00                                       .00

                 PROFESSIONAL                               .00                                       .00

                 SUB TOTAL                                  .00                                       .00

                 INVESTIGATIVE

                 GRAND TOTAL

                  I CERTIFY THAT THE LISTED EMPLOYEES HAVE PERFORMED THEIR  I CERTIFY THAT THE LISTED EMPLOYEES HAVE PERFORMED THEIR
                 ASSIGNED OFFICIAL DUTIES IN THE OFFICES OF THIS COMMITTEE ASSIGNED OFFICIAL DUTIES IN THE OFFICES OF THIS
                 AND THAT THEY HAVE CERTIFIED THAT THEY HAVE NO            SUBCOMMITTEE AND THAT THEY HAVE CERTIFIED THAT THEY HAVE
                 RELATIONSHIP TO A CURRENT MEMBER OF CONGRESS, UNLESS      NO RELATIONSHIP TO A CURRENT MEMBER OF CONGRESS, UNLESS
                 OTHERWISE NOTED HEREON                                    OTHERWISE NOTED HEREON.


                 --------------------------------------------------------- --------------------------------------------------------
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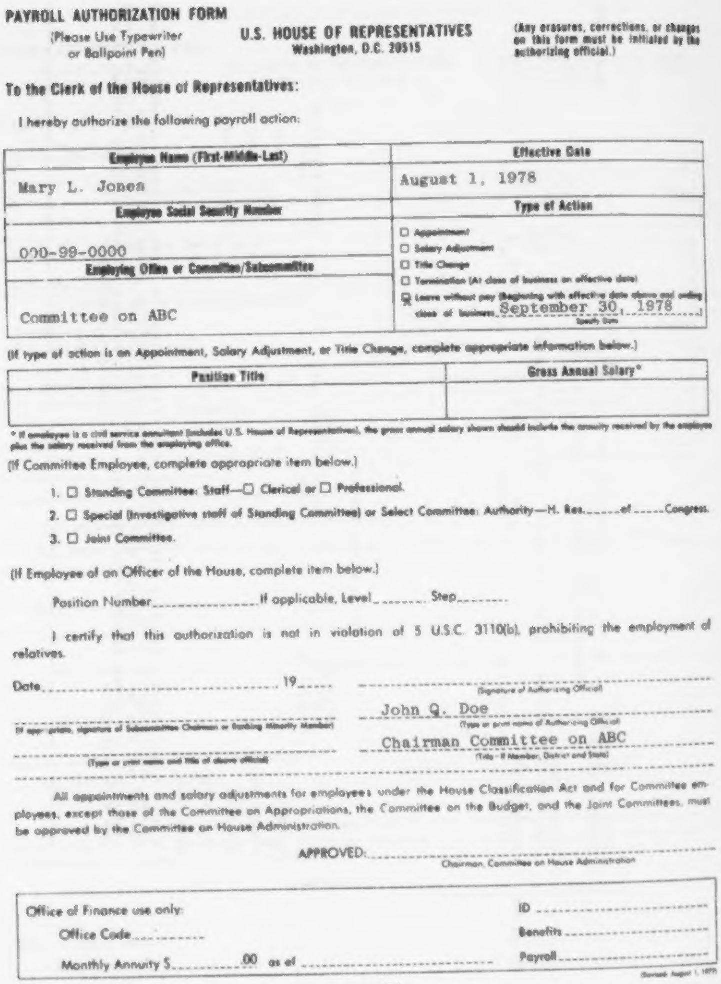


PAYROLL AUTHORIZATION FORM
(Please Use Typewriter
or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	**Effective Date**
Mary L. Jones	August 1, 1978
Employee Social Security Number	**Type of Action**
000-99-0000	☐ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☒ Leave without pay (Beginning with effective date above and ending close of business September 30, 1978) (Specify Date)
Employing Office or Committee/Subcommittee	
Committee on ABC	

(If type of action is an Appointment, Salary Adjustment, or Title Change, complete appropriate information below.)

Position Title	**Gross Annual Salary***

* If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☐ Special (Investigative staff of Standing Committee) or Select Committee: Authority—H. Res._____of_____Congress.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number______________If applicable, Level_______ Step_______

I certify that this authorization is not in violation of 5 U.S.C. 3110(b), prohibiting the employment of relatives.

Date______________________________ 19_____

____
(Signature of Authorizing Official)

John Q. Doe
(Type or print name of Authorizing Official)

Chairman Committee on ABC
(Title - If Member, District and State)

____
(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member)

____
(Type or print name and title of above official)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED:______________________________________
Chairman, Committee on House Administration

Office of Finance use only:
Office Code__________
Monthly Annuity $__________.00 as of __________________________
ID ________________________
Benefits ______________________
Payroll _______________________

(Revised August 1, 1977)

D. SUGGESTED OPTIONAL LEAVE GUIDELINES

(For Committees of the House of Representatives)

LEAVE GUIDELINES

These guidelines are intended to provide a constructive procedure which Committees may use in administering a leave policy for employees. Use of these guidelines is not mandatory, and where used, such use is not intended to detract in any way from the discretion of a Committee in establishing the terms under which persons may be employed, including provisions for leave. These guidelines may be modified, or expanded, as the Committee sees fit.

CERTIFICATION

Implicit in each Committee's appointing and pay-fixing authority is the discretion to employ persons to perform such official duties as the Committee deems appropriate. Also implicit in such authority is the discretion to fix the terms and conditions of employment, including provisions for leave.

Therefore, in signing the monthly payroll certification, the chairman may properly certify as to the performance of assigned official duties for periods when staff persons are in a leave status. No notation of such status need be made on the monthly payroll certification form.

ANNUAL LEAVE

GENERAL

Annual leave is an approved absence with pay which is provided to permit every employee a vacation period for rest and recreation, and periods of time off for personal and emergency purposes. Annual leave absences should be charged in minimum units of half-days against an employee's annual leave.

INTERNS

Interns are not entitled to accrue or use annual leave.

ACCUMULATION OF ANNUAL LEAVE

Annual leave which is not used may accumulate from year to year. There is, however, a limitation on the amount of annual leave which may be carried over to the succeeding leave year. On December 31 of each year, any balance of annual leave in excess of 30 days should not be carried forward.

There are no provisions to permit reimbursement to an employee upon termination for any accumulation of leave. However, to the extent possible and practicable, every effort should be made to consider such accumulation when determining the date of termination.

USE OF ANNUAL LEAVE

Annual leave which is credited to an employee's leave record may be used at the request of the employee when the services of the employee may be reasonably spared. To the extent possible, employees are urged to use annual leave during those periods when the House is in recess or adjournment.

A request for annual leave must be made in advance, except in exigent circumstances. Where justified by such circumstances, annual leave which ordinarily accrues to an employee's credit during the remaining part of a leave year may be utilized.

SICK LEAVE

Sick leave which has accrued to an employee may be used:

a. When the employee is incapacitated by sickness, injury, or pregnancy and confinement (see the section on Maternity Leave);

b. When the employee receives a medical, dental, or optical examination, or treatment (including reasonable transit time);

c. When the employee is required to give care and attendance to a member of his immediate family who is afflicted with a contagious disease; or

d. When the employee would jeopardize the health of others by his presence at his duty assignment because of exposure to a contagious disease.

ACCUMULATION OF SICK LEAVE

Unused sick leave accumulates from month to month and from year to year, without any limitation on the total number of days which may be accumulated while in a pay status.

ADVANCE OF SICK LEAVE

Advances of sick leave may be made to employees in cases of serious incapacity, when required by the exigencies of the situation. Advances of sick leave should not be approved when the employee has a balance of annual leave to his credit.

REPORTING ABSENCES BECAUSE OF SICKNESS

Absence because of sickness should be reported as early as practicable on the first day of absence. This report should be made by the employee. In cases of extended absence, the employer must be kept reasonably informed of the probable duration of the employee's absence. Whenever an employee plans to be absent for medical, dental, or optical examination or treatment, he should obtain his employer's approval in advance of the absence.

In considering requests for sick leave, employees and the employer alike must realize that the employee's right to privacy must be reconciled with the legitimate need for sufficient information to reach a determination that a condition existed which justified the use of sick leave.

If an employee is ill while absent on approved annual leave, a period of incapacitating illness may be charged to available sick leave, if application therefor is submitted immediately upon return to duty, and is supported by a certification by an attending physician or practitioner.

ADMINISTRATIVE LEAVE

GENERAL

Administrative leave is an authorized absence from duty with pay and without charge to leave.

AUTHORIZATION OF AND PURPOSES FOR ADMINISTRATIVE LEAVE

Employers are authorized to approve administrative leave for the following purposes and in accordance with established limitations:

a. To register to vote in any Federal, State, or local election, or in referendums on civic matters. Insofar as practicable, without interfering seriously with operations, employees shall be excused for a reasonable time for such purposes, but normally not to exceed one-half of a day. If an employee's voting place is beyond normal commuting distance and if voting by absentee ballot is not permitted, the employee may be granted sufficient time to make the trip to cast his ballot. Any leave for this purpose in excess of 1 day shall be charged to annual leave, if available, or to leave without pay, when proper application therefor has been made.

For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as for voting, except that no such time shall be granted if registration can be accomplished on a nonworkday or evening and the place of registration is within a reasonable 1-day round trip travel distance of the employee's place of residence.

b. For absence because of extreme weather conditions, serious interruptions to public transportation services, disasters, or special events of national importance, if properly authorized.

(1) If the office is closed for the entire day because of unusually severe weather conditions, or other such conditions as stated above, employees who are on annual or sick leave for that day will be charged administrative rather than annual or sick leave for that day.

(2) In cases of late arrivals or early dismissals which are authorized by the employer, employees who are on annual or sick leave for the entire day will be charged the appropriate leave (annual or sick) for that day.

c. To donate blood, without compensation, to a fellow employee, a member of one's family, or a blood bank. Absences for this purpose must be approved in advance and should include only the time necessary for the donation, usually not to exceed one-half day.

d. To take a qualifying examination (Bar, CPA, Notary, etc.) when such certification is required or helpful in carrying out the employee's duties. Approval must be obtained in advance.

e. For brief periods of time, to enable an employee to attend schools, briefings, or meetings incident to his receiving instruction or information on matters determined to be of mutual concern and benefit to the employer and the employee. All requests for administrative leave for such purposes must be submitted in advance.

f. To attend a Federal, State, or municipal court for jury duty or as a witness in his official capacity or in his nonofficial capacity if as a witness on behalf of the United States or the Government of the District of Columbia. An employee is required to give notice immediately upon receipt of a summons to appear at court, either as a witness or for jury duty. Application for administrative leave for such purposes will be made in advance.

g. For active duty and for time engaged in field or coast defense training not exceeding 15 calendar days in any one calendar year for each employee who is a reservist of the Armed Forces or a member of the National Guard, except in cases where the service is performed for the purpose of providing military aid to enforce the law the limitation is extended to a maximum of 22 workdays in a calendar year.

h. For other purposes which are approved by the employer.

MATERNITY LEAVE

Maternity leave is a period of approved absence for reasons related to pregnancy and confinement. It is chargeable to sick leave, or any combination of sick leave, annual leave, and leave without pay. Neither annual leave nor sick leave will be advanced for this purpose.

Generally, 8 weeks should be considered at the maximum period to be absent because of pregnancy and confinement. If an employee should require more than this 8-week period, the request should be supported by a doctor's certificate recommending such additional period.

CURRENT CIVIL SERVICE LEAVE ACCRUAL SCHEDULE

ANNUAL LEAVE

Up to 3 years service	13 days per year
3 years to 15 years service	20 days per year
15 years and over	26 days per year

SICK LEAVE

13 days per year regardless of length of service.

Name of Employee

Address

Address

Phone Number

Position Title

PERSONAL LEAVE RECORD

YEAR

BALANCE BROUGHT FORWARD FROM PRECEDING YEAR	
Annual Leave	Sick Leave

DATE OF APPOINTMENT

PRIOR FEDERAL SERVICE
Years Months

ANNUAL LEAVE CATEGORY
1.0 ☐
1.5 ☐
2.0 ☐

Month	DAY OF MONTH																														ACCRUED THIS MONTH		AVAILABLE THIS MONTH		USED THIS MONTH		BALANCE AT CLOSE OF MONTH		EMPLOYEE INITIALS
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Annual Leave	Sick Leave	Annual Leave	Sick Leave	Annual Leave	Sick Leave	Annual Leave	Sick Leave	
Jan.																																								
Feb.																																								
Mar.																																								
Apr.																																								
May																																								
June																																								
July																																								
Aug.																																								
Sept.																																								
Oct.																																								
Nov.																																								
Dec.																																								

⧄ = 0.5 day annual leave
⊠ = 1.0 day annual leave
S/ = 0.5 day sick leave
S or S/S = 1.0 day sick leave
A/ = 0.5 day administrative leave
A or A/A = 1.0 day administrative leave
U/ = 0.5 day unauthorized absence
U or U/U = 1.0 day unauthorized absence
◪ = 0.5 day leave without pay
■ = 1.0 day leave without pay

(This Form is Available from the Office of the Clerk.)

E. INFORMATION TO EMPLOYEES

1. Employment Forms.—When being employed by the House of Representatives prospective employee must complete, and submit to the Finance Office the following forms:

a. Payroll Information Form and Personnel Affidavit. (See sample form, page 39.)

b. Employees Withholding Allowance Certificate. (See sample form, page 41.)

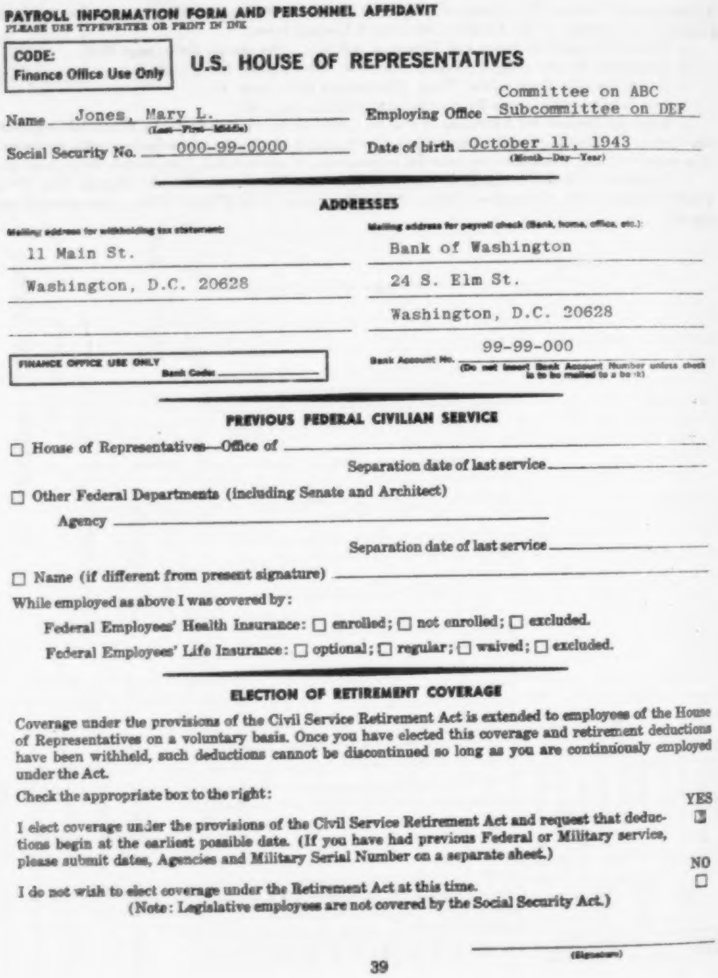
c. Health Benefits Registration Form. (See sample form, page 45.)

d. Life Insurance Coverage Form. (See sample form, page 46.)

e. Employee Request for Allotment of Pay for Credit to Savings Account of a Financial Organization (Optional). This form will authorize the direct deposit of all or part (as elected by the employee) of an employee's pay check into the financial organization of one's choice. (See sample form, page 47.)

f. Certificate of Relationship/Non-Relationship to Any Current Member of Congress. This Form is to be Retained in the Committee's Office. DO NOT forward to the Finance Office. (See sample form, page 48.)

Sample Payroll Information Form and Personnel Affidavit



PAYROLL INFORMATION FORM AND PERSONNEL AFFIDAVIT
PLEASE USE TYPEWRITER OR PRINT IN INK

CODE:
Finance Office Use Only

U.S. HOUSE OF REPRESENTATIVES

Name Jones, Mary L.
(Last—First—Middle)

Employing Office Committee on ABC Subcommittee on DEF

Social Security No. 000-99-0000

Date of birth October 11, 1943
(Month—Day—Year)

ADDRESSES

Mailing address for withholding tax statement:
11 Main St.
Washington, D.C. 20628

Mailing address for payroll check (Bank, home, office, etc.):
Bank of Washington
24 S. Elm St.
Washington, D.C. 20628

FINANCE OFFICE USE ONLY
Bank Code:

Bank Account No. 99-99-000
(Do not insert Bank Account Number unless check is to be mailed to a bank)

PREVIOUS FEDERAL CIVILIAN SERVICE

☐ House of Representatives—Office of
Separation date of last service

☐ Other Federal Departments (including Senate and Architect)
Agency
Separation date of last service

☐ Name (if different from present signature)

While employed as above I was covered by:

Federal Employees' Health Insurance: ☐ enrolled; ☐ not enrolled; ☐ excluded.

Federal Employees' Life Insurance: ☐ optional; ☐ regular; ☐ waived; ☐ excluded.

ELECTION OF RETIREMENT COVERAGE

Coverage under the provisions of the Civil Service Retirement Act is extended to employees of the House of Representatives on a voluntary basis. Once you have elected this coverage and retirement deductions have been withheld, such deductions cannot be discontinued so long as you are continuously employed under the Act.

Check the appropriate box to the right:

I elect coverage under the provisions of the Civil Service Retirement Act and request that deductions begin at the earliest possible date. (If you have had previous Federal or Military service, please submit dates, Agencies and Military Serial Number on a separate sheet.) YES ☒

I do not wish to elect coverage under the Retirement Act at this time. NO ☐
(Note: Legislative employees are not covered by the Social Security Act.)

(Signature)

39

REVERSE OF SAMPLE PAYROLL INFORMATION FORM AND PERSONNEL AFFIDAVIT

THIS FORM MUST BE NOTARIZED TO BECOME EFFECTIVE: FORM CAN BE NOTARIZED IN FINANCE OFFICE

District of Columbia (or State of) .... ss:

I do solemnly swear (or affirm)—

(1) That ☒ I am a citizen of the United States;
☐ if in the service on the date of enactment of the latest General Government Matters Appropriation Act, and being eligible for citizenship, I had theretofore filed a declaration of intention to become a citizen;
☐ I owe allegiance to the United States;
☐ I am an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence;
☐ I am a citizen of the Republic of the Philippines;
☐ I am a national of a country allied with the United States in the current defense effort;

(2) That my acceptance and holding of office or employment with the U.S. House of Representatives does not or (if this affidavit is executed by me prior to my acceptance of such office or employment) will not constitute a violation of the first section of the Act of August 9, 1955 (5 U.S.C. 7311), which reads as follows:

> No person shall accept or hold office or employment in the Government of the United States or any agency thereof, including wholly owned Government corporations, who—
> (1) advocates the overthrow of our constitutional form of government in the United States;
> (2) is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates;
> (3) participates in any strike or asserts the right to strike against the Government of the United States or such agency; or
> (4) is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or such agencies, knowing that such organization asserts such right;

(3) That I ☐ am ☒ am not receiving a pension, annuity, or retired pay from the United States Government (if so, please furnish source and claim number);

.... (Name and location of administering agency) .... (Claim number)

(4) That this Payroll Information Form and Personnel Affidavit is complete, true, and correct;

(5) That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So help me God.

Subscribed and sworn to before me this

.... (Signature of employee)

...... day of ...., 19........

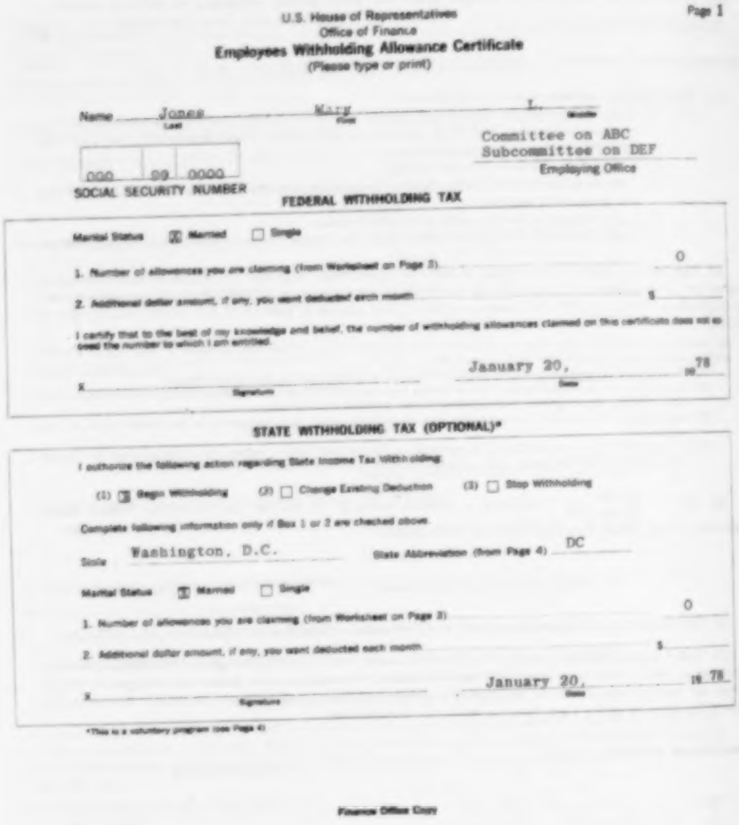
.... *Notary Public.*

[NOTARY SEAL]

State of ....

My commission expires ....

SAMPLE EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE



Page 1

U.S. House of Representatives
Office of Finance
Employees Withholding Allowance Certificate
(Please type or print)

Name Jones (Last) Mary (First) L. (Middle)

Committee on ABC
Subcommittee on DEF
Employing Office

000 | 00 | 0000
SOCIAL SECURITY NUMBER

FEDERAL WITHHOLDING TAX

Marital Status ☒ Married ☐ Single

1. Number of allowances you are claiming (from Worksheet on Page 3) 0

2. Additional dollar amount, if any, you want deducted each month $

I certify that to the best of my knowledge and belief, the number of withholding allowances claimed on this certificate does not exceed the number to which I am entitled.

X (Signature) January 20, 1978 (Date)

STATE WITHHOLDING TAX (OPTIONAL)*

I authorize the following action regarding State Income Tax Withholding:

(1) ☒ Begin Withholding (2) ☐ Change Existing Deduction (3) ☐ Stop Withholding

Complete following information only if Box 1 or 2 are checked above.

State Washington, D.C. State Abbreviation (from Page 4) DC

Marital Status ☒ Married ☐ Single

1. Number of allowances you are claiming (from Worksheet on Page 3) 0

2. Additional dollar amount, if any, you want deducted each month $

X (Signature) January 20, 1978 (Date)

*This is a voluntary program (see Page 4)

Finance Office Copy

SAMPLE EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE—PAGE 2

FEDERAL INFORMATION AND INSTRUCTIONS (Guideline Only)

Page 2

The Following Information is Provided in Accordance with the Privacy Act of 1974

The Internal Revenue Code requires that every employee shall furnish his or her employer with a signed withholding exemption certificate relating to the number of withholding exemptions which the employee claims (section 3402(f)(2)(A) and the Regulations thereto). Individuals are required to provide their Social Security Number for proper identification and processing (section 6109 and the Regulations thereto).

The principal purpose for soliciting withholding exemption certificate information is to administer the Internal Revenue laws of the United States.

If an employee does not furnish a signed withholding exemption certificate, the employee is considered as claiming no withholding exemptions (section 3401(e)) and shall be treated as a single person (section 3402(l)).

The routine uses of the withholding exemption certificate information include disclosure to the Department of Justice for actual or potential criminal prosecution or civil litigation.

Table for Determining Number of Withholding Allowances Based on Itemized Deductions

Estimated salaries and wages	Number of additional withholding allowances for the amount of itemized deductions shown in the appropriate column (See Line i on other side)												
	0	1		2		3		4		5		6*	
Part I Single Employees													
	Under	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than
Under $10,000	$2,200	$2,200–	$2,950	$2,950–	$3,700	$3,700–	$4,450	$4,450–	$5,200	$5,200–	$5,950	$5,950–	$6,700
10,000–15,000	2,500	2,500–	3,250	3,250–	4,000	4,000–	4,750	4,750–	5,500	5,500–	6,250	6,250–	7,000
15,000–25,000	2,800	2,800–	3,550	3,550–	4,300	4,300–	5,050	5,050–	5,800	5,800–	6,550	6,550–	7,300
25,000–30,000	3,200	3,200–	3,950	3,950–	4,700	4,700–	5,450	5,450–	6,200	6,200–	6,950	6,950–	7,700
30,000–35,000	4,000	4,000–	4,750	4,750–	5,500	5,500–	6,250	6,250–	7,000	7,000–	7,750	7,750–	8,500
35,000–40,000	5,000	5,000–	5,750	5,750–	6,500	6,500–	7,250	7,250–	8,000	8,000–	8,750	8,750–	9,500
40,000–45,000	6,500	6,500–	7,250	7,250–	8,000	8,000–	8,750	8,750–	9,500	9,500–	10,250	10,250–	11,000
45,000–50,000**	8,000	8,000–	8,750	8,750–	9,500	9,500–	10,250	10,250–	11,000	11,000–	11,750	11,750–	12,500
Part II Married Employees (When Spouse Is Not Employed)													
Under $15,000	2,900	2,900–	3,650	3,650–	4,400	4,400–	5,150	5,150–	5,900	5,900–	6,650	6,650–	7,400
15,000–35,000	3,400	3,400–	4,150	4,150–	4,900	4,900–	5,650	5,650–	6,400	6,400–	7,150	7,150–	7,900
35,000–40,000	3,700	3,700–	4,450	4,450–	5,200	5,200–	5,950	5,950–	6,700	6,700–	7,450	7,450–	8,200
40,000–45,000	4,300	4,300–	5,050	5,050–	5,800	5,800–	6,550	6,550–	7,300	7,300–	8,050	8,050–	8,800
45,000–50,000**	5,200	5,200–	5,950	5,950–	6,700	6,700–	7,450	7,450–	8,200	8,200–	8,950	8,950–	9,700
Part III Married Employees (When Both Spouses Are Employed), and other employees who are holding more than one job													
Under $10,000	3,200	3,200–	3,950	3,950–	4,700	4,700–	5,450	5,450–	6,200	6,200–	6,950	6,950–	7,700
10,000–12,000	3,700	3,700–	4,450	4,450–	5,200	5,200–	5,950	5,950–	6,700	6,700–	7,450	7,450–	8,200
12,000–15,000	4,200	4,200–	4,950	4,950–	5,700	5,700–	6,450	6,450–	7,200	7,200–	7,950	7,950–	8,700
15,000–20,000	5,000	5,000–	5,750	5,750–	6,500	6,500–	7,250	7,250–	8,000	8,000–	8,750	8,750–	9,500
20,000–25,000	5,600	5,600–	6,350	6,350–	7,100	7,100–	7,850	7,850–	8,600	8,600–	9,350	9,350–	10,100
25,000–30,000	6,200	6,200–	6,950	6,950–	7,700	7,700–	8,450	8,450–	9,200	9,200–	9,950	9,950–	10,700
30,000–35,000	7,100	7,100–	7,850	7,850–	8,600	8,600–	9,350	9,350–	10,100	10,100–	10,850	10,850–	11,600
35,000–40,000	7,900	7,900–	8,650	8,650–	9,400	9,400–	10,150	10,150–	10,900	10,900–	11,650	11,650–	12,400
40,000–45,000	8,900	8,900–	9,650	9,650–	10,400	10,400–	11,150	11,150–	11,900	11,900–	12,650	12,650–	13,400
45,000–50,000**	10,200	10,200–	10,950	10,950–	11,700	11,700–	12,450	12,450–	13,200	13,200–	13,950	13,950–	14,700

*7 or More Allowances: If your itemized deductions exceed the amount shown in Column 6 (above), you may claim 6 allowances plus one more for each $750 or fraction thereof of itemized deductions in excess of the amounts shown in Column 6 for your salary and wage bracket.

**When annual salary or wage exceeds $50,000, "0" column amounts may be determined as follows: for single employees (Part I)—22% of their annual salary; for married employees whose spouse is not employed (Part II)—15% of their annual salary; and for married employees when both spouses are employed and other employees who are holding more than one job (Part III)—24% of their combined annual salary. An additional withholding allowance may be claimed for each $750 or fraction thereof by which itemized deductions exceed the "0" column amount determined in this manner.

HOW TO USE THE TABLE

If you expect to itemize deductions for the current year, you may be entitled to claim additional withholding allowances (line i) and thus avoid having too much tax withheld. Your employer will treat each such allowance as a withholding exemption. The amount of itemized deductions for the current year cannot exceed the amount of itemized deductions (or standard deduction) claimed on your return for the preceding year (or 2nd preceding year if you have not yet filed your return for the preceding year), plus additional determinable deductible amounts.

These additional allowances will remain in effect until you file a new employee's withholding allowance certificate with your employer. For detailed information on allowable itemized deductions, see Form 1040 instructions.

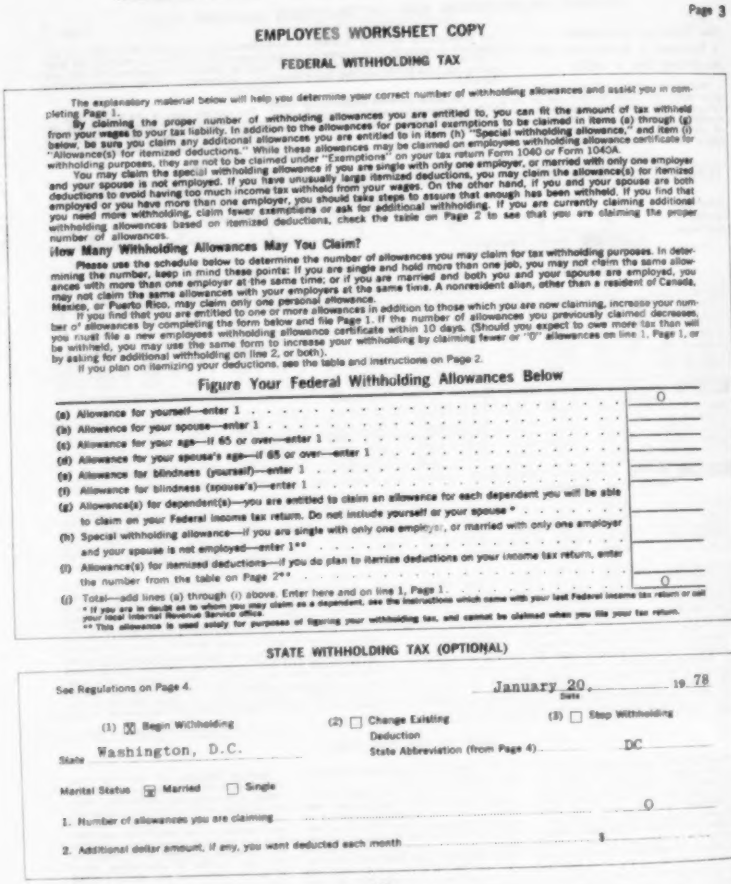
1. Find the line in the table that includes your estimated salary and wage amount and that shows your status as either a single employee (Part I), a married employee whose spouse is not employed (Part II), or a married employee whose spouse is also employed (Part III). Also, use Part III if you are an employee who is holding more than one job concurrently.

2. Read across that line until you find the column that includes the amount of your estimated itemized deductions.

3. Note the number of allowances shown at the top of the column. This is the maximum number of additional withholding allowances you may claim on line i.

Married Couples.—If you and your spouse are both employed and file a joint return, determine your withholding allowances based on your combined wages and deductions. If you file a joint return and your spouse is not employed, use Part II. If you are filing a joint return and both are employed, use Part III to determine the total number of withholding allowances to which you are jointly entitled (you may allocate such withholding allowances between yourselves). However, if in your last filing you filed separate returns, and if you expect to file separately this year, each of you must make your determination on the basis of your own wages and deductions and determine the number of withholding allowances for each from Part III.

SAMPLE EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE—PAGE 3



Page 3

EMPLOYEES WORKSHEET COPY

FEDERAL WITHHOLDING TAX

The explanatory material below will help you determine your correct number of withholding allowances and assist you in completing Page 1.

By claiming the proper number of withholding allowances you are entitled to, you can fit the amount of tax withheld from your wages to your tax liability. In addition to the allowances for personal exemptions to be claimed in items (a) through (g) below, be sure you claim any additional allowances you are entitled to in item (h) "Special withholding allowance," and item (i) "Allowance(s) for itemized deductions." While these allowances may be claimed on employees withholding allowance certificate for withholding purposes, they are not to be claimed under "Exemptions" on your tax return Form 1040 or Form 1040A.

You may claim the special withholding allowance if you are single with only one employer, or married with only one employer and your spouse is not employed. If you have unusually large itemized deductions, you may claim the allowance(s) for itemized deductions to avoid having too much income tax withheld from your wages. On the other hand, if you and your spouse are both employed or you have more than one employer, you should take steps to assure that enough has been withheld. If you find that you need more withholding, claim fewer exemptions or ask for additional withholding. If you are currently claiming additional withholding allowances based on itemized deductions, check the table on Page 2 to see that you are claiming the proper number of allowances.

How Many Withholding Allowances May You Claim?

Please use the schedule below to determine the number of allowances you may claim for tax withholding purposes. In determining the number, keep in mind these points: If you are single and hold more than one job, you may not claim the same allowances with more than one employer at the same time; or if you are married and both you and your spouse are employed, you may not claim the same allowances with your employers at the same time. A nonresident alien, other than a resident of Canada, Mexico, or Puerto Rico, may claim only one personal allowance.

If you find that you are entitled to one or more allowances in addition to those which you are now claiming, increase your number of allowances by completing the form below and file Page 1. If the number of allowances you previously claimed decreases, you must file a new employees withholding allowance certificate within 10 days. (Should you expect to owe more tax than will be withheld, you may use the same form to increase your withholding by claiming fewer or "0" allowances on line 1, Page 1, or by asking for additional withholding on line 2, or both).

If you plan on itemizing your deductions, see the table and instructions on Page 2.

Figure Your Federal Withholding Allowances Below

(a) Allowance for yourself—enter 1	0
(b) Allowance for your spouse—enter 1	
(c) Allowance for your age—if 65 or over—enter 1	
(d) Allowance for your spouse's age—if 65 or over—enter 1	
(e) Allowance for blindness (yourself)—enter 1	
(f) Allowance for blindness (spouse's)—enter 1	
(g) Allowance(s) for dependent(s)—you are entitled to claim an allowance for each dependent you will be able to claim on your Federal income tax return. Do not include yourself or your spouse *	
(h) Special withholding allowance—if you are single with only one employer, or married with only one employer and your spouse is not employed—enter 1**	
(i) Allowance(s) for itemized deductions—if you do plan to itemize deductions on your income tax return, enter the number from the table on Page 2**	
(j) Total—add lines (a) through (i) above. Enter here and on line 1, Page 1	0

* If you are in doubt as to whom you may claim as a dependent, see the instructions which came with your last Federal income tax return or call your local Internal Revenue Service office.

** This allowance is used solely for purposes of figuring your withholding tax, and cannot be claimed when you file your tax return.

STATE WITHHOLDING TAX (OPTIONAL)

See Regulations on Page 4.

January 20, 19 78
Date

(1) ☒ Begin Withholding (2) ☐ Change Existing Deduction (3) ☐ Stop Withholding

State Washington, D.C.

State Abbreviation (from Page 4) DC

Marital Status ☒ Married ☐ Single

1. Number of allowances you are claiming 0

2. Additional dollar amount, if any, you want deducted each month $

SAMPLE EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE—PAGE 4

STATE WITHHOLDING TAX REGULATIONS

1. All election authorizations, revocations, or changes for withholding State tax from salaries must be made on the prescribed form issued by the House of Representatives Office of Finance.
2. An employee may have only one request for State withholding in effect at any one time.
3. An employee may not have more than two such requests with respect to different States during any one calendar year.
4. Election for withholding is optional and an employee may revoke such election.
5. Election, change or revocation of state withholding is effective on the first day of the month in which the request is processed by the Clerk of the House, but in no event later than on the first day of the first month beginning after the day on which such election, change or revocation is received with the following exception. When an employee first receives an appointment, his request shall be effective on the day of the appointment if the request is made at that time.

STATE ABBREVIATIONS

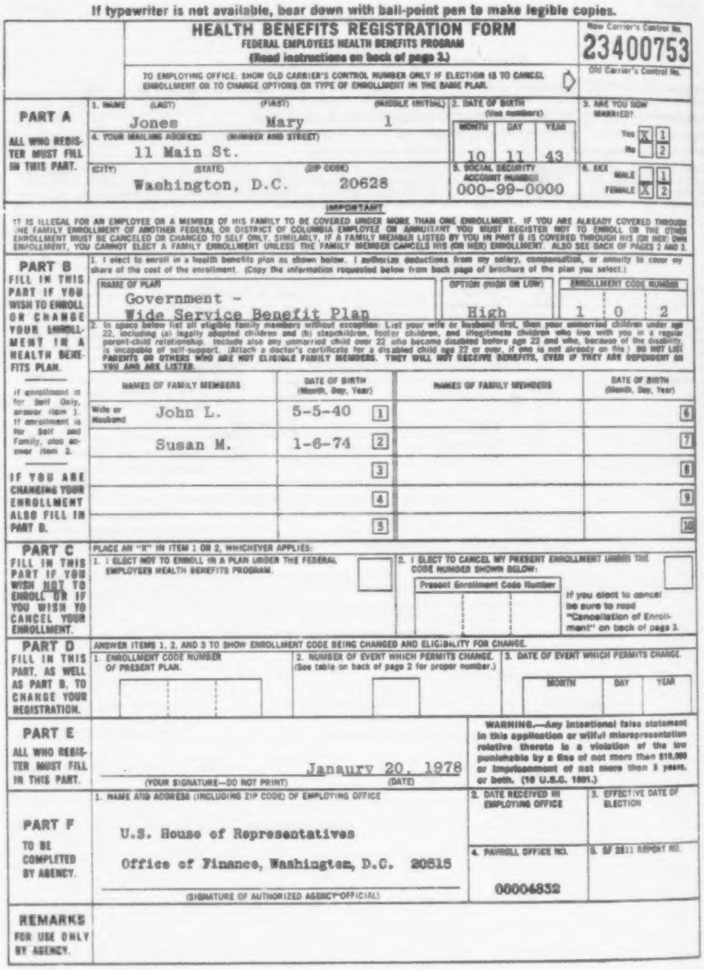
(For use in completing State Withholding Tax, Page 1)

TWO-LETTER STATE ABBREVIATIONS

Alabama	AL	Kansas	KS	New York	NY
Alaska	AK	Kentucky	KY	North Carolina	NC
Arizona	AZ	Louisiana	LA	North Dakota	ND
Arkansas	AR	Maine	ME	Ohio	OH
California	CA	Maryland	MD	Oklahoma	OK
Colorado	CO	Massachusetts	MA	Oregon	OR
Delaware	DE	Michigan	MI	Pennsylvania	PA
District of Columbia	DC	Minnesota	MN	Puerto Rico	PR
Georgia	GA	Mississippi	MS	Rhode Island	RI
Hawaii	HI	Missouri	MO	South Carolina	SC
Idaho	ID	Montana	MT	Utah	UT
Illinois	IL	Nebraska	NB	Vermont	VT
Indiana	IN	New Jersey	NJ	Virginia	VA
Iowa	IA	New Mexico	NM	West Virginia	WV
				Wisconsin	WI

Complete Health Benefits Registration Form as Shown Below

If typewriter is not available, bear down with ball-point pen to make legible copies.



HEALTH BENEFITS REGISTRATION FORM

FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

(Read instructions on back of page 3.)

New Carrier's Control No. 23400753

TO EMPLOYING OFFICE: SHOW OLD CARRIER'S CONTROL NUMBER ONLY IF ELECTION IS TO CANCEL ENROLLMENT OR TO CHANGE OPTIONS OR TYPE OF ENROLLMENT IN THE SAME PLAN.

Old Carrier's Control No.

PART A ALL WHO REGISTER MUST FILL IN THIS PART.

1. NAME (LAST) Jones (FIRST) Mary (MIDDLE INITIAL) 1
2. DATE OF BIRTH (Use numbers) MONTH 10 DAY 11 YEAR 43
3. ARE YOU NOW MARRIED? Yes ☒ 1 No ☐ 2
4. YOUR MAILING ADDRESS (NUMBER AND STREET) 11 Main St.
(CITY) (STATE) Washington, D.C. (ZIP CODE) 20628
5. SOCIAL SECURITY ACCOUNT NUMBER 000-99-0000
6. SEX MALE ☐ 1 FEMALE ☒ 2

IMPORTANT

IT IS ILLEGAL FOR AN EMPLOYEE OR A MEMBER OF HIS FAMILY TO BE COVERED UNDER MORE THAN ONE ENROLLMENT. IF YOU ARE ALREADY COVERED THROUGH THE FAMILY ENROLLMENT OF ANOTHER FEDERAL OR DISTRICT OF COLUMBIA EMPLOYEE OR ANNUITANT YOU MUST REGISTER NOT TO ENROLL OR THE OTHER ENROLLMENT MUST BE CANCELED OR CHANGED TO SELF ONLY. SIMILARLY, IF A FAMILY MEMBER LISTED BY YOU IN PART B IS COVERED THROUGH HIS (OR HER) OWN ENROLLMENT, YOU CANNOT ELECT A FAMILY ENROLLMENT UNLESS THE FAMILY MEMBER CANCELS HIS (OR HER) ENROLLMENT. ALSO SEE BACK OF PAGES 2 AND 3.

PART B FILL IN THIS PART IF YOU WISH TO ENROLL OR CHANGE YOUR ENROLLMENT IN A HEALTH BENEFITS PLAN.

If enrollment is for Self Only, answer item 1. If enrollment is for Self and Family, also answer item 2.

IF YOU ARE CHANGING YOUR ENROLLMENT ALSO FILL IN PART D.

1. I elect to enroll in a health benefits plan as shown below. I authorize deductions from my salary, compensation, or annuity to cover my share of the cost of the enrollment. (Copy the information requested below from back page of brochure of the plan you select.)

NAME OF PLAN	OPTION (HIGH OR LOW)	ENROLLMENT CODE NUMBER
Government - Wide Service Benefit Plan	High	1 0 2

2. In space below list all eligible family members without exception: List your wife or husband first, then your unmarried children under age 22, including (a) legally adopted children and (b) stepchildren, foster children, and illegitimate children who live with you in a regular parent-child relationship. Include also any unmarried child over 22 who became disabled before age 22 and who, because of the disability, is incapable of self-support. (Attach a doctor's certificate for a disabled child age 22 or over, if one is not already on file.) DO NOT LIST PARENTS OR OTHERS WHO ARE NOT ELIGIBLE FAMILY MEMBERS. THEY WILL NOT RECEIVE BENEFITS, EVEN IF THEY ARE DEPENDENT ON YOU AND ARE LISTED.

NAMES OF FAMILY MEMBERS	DATE OF BIRTH (Month, Day, Year)		NAMES OF FAMILY MEMBERS	DATE OF BIRTH (Month, Day, Year)	
Wife or Husband John L.	5-5-40	1			6
Susan M.	1-6-74	2			7
		3			8
		4			9
		5			10

PART C FILL IN THIS PART IF YOU WISH NOT TO ENROLL OR IF YOU WISH TO CANCEL YOUR ENROLLMENT.

PLACE AN "X" IN ITEM 1 OR 2, WHICHEVER APPLIES:

1. I ELECT NOT TO ENROLL IN A PLAN UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM. ☐
2. I ELECT TO CANCEL MY PRESENT ENROLLMENT UNDER THE CODE NUMBER SHOWN BELOW: ☐
Present Enrollment Code Number
If you elect to cancel be sure to read "Cancellation of Enrollment" on back of page 3.

PART D FILL IN THIS PART, AS WELL AS PART B, TO CHANGE YOUR REGISTRATION.

ANSWER ITEMS 1, 2, AND 3 TO SHOW ENROLLMENT CODE BEING CHANGED AND ELIGIBILITY FOR CHANGE.

1. ENROLLMENT CODE NUMBER OF PRESENT PLAN.
2. NUMBER OF EVENT WHICH PERMITS CHANGE. (See table on back of page 2 for proper number.)
3. DATE OF EVENT WHICH PERMITS CHANGE. MONTH DAY YEAR

PART E ALL WHO REGISTER MUST FILL IN THIS PART.

(YOUR SIGNATURE—DO NOT PRINT)
Janaury 20, 1978 (DATE)

WARNING.—Any intentional false statement in this application or wilful misrepresentation relative thereto is a violation of the law punishable by a fine of not more than $10,000 or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001.)

PART F TO BE COMPLETED BY AGENCY.

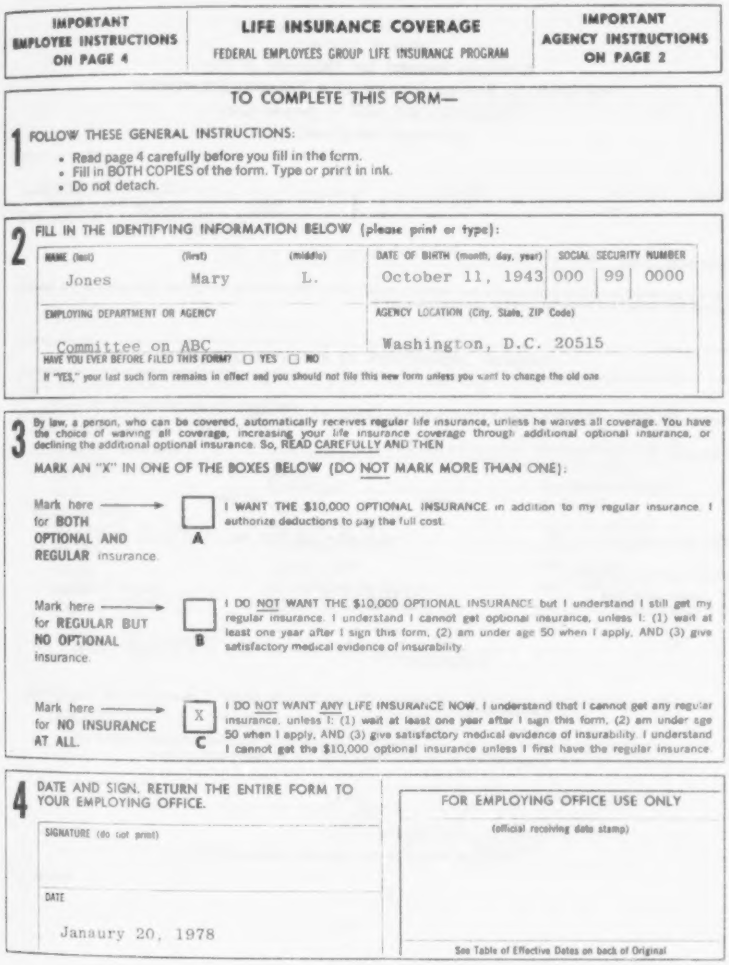
1. NAME AND ADDRESS (INCLUDING ZIP CODE) OF EMPLOYING OFFICE
U.S. House of Representatives
Office of Finance, Washington, D.C. 20515
(SIGNATURE OF AUTHORIZED AGENCY OFFICIAL)
2. DATE RECEIVED IN EMPLOYING OFFICE
3. EFFECTIVE DATE OF ELECTION
4. PAYROLL OFFICE NO. 00004832
5. SF 2811 REPORT NO.

REMARKS FOR USE ONLY BY AGENCY.

2809-115-01

Page 1 — To Payroll Office

Sample Election/Declination of Life Insurance Coverage Form—(Printed on Blue Paper)



IMPORTANT EMPLOYEE INSTRUCTIONS ON PAGE 4	**LIFE INSURANCE COVERAGE** FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM	**IMPORTANT AGENCY INSTRUCTIONS ON PAGE 2**

TO COMPLETE THIS FORM—

1 FOLLOW THESE GENERAL INSTRUCTIONS:

- Read page 4 carefully before you fill in the form.
- Fill in BOTH COPIES of the form. Type or print in ink.
- Do not detach.

2 FILL IN THE IDENTIFYING INFORMATION BELOW (please print or type):

NAME (last)	(first)	(middle)	DATE OF BIRTH (month, day, year)	SOCIAL SECURITY NUMBER
Jones	Mary	L.	October 11, 1943	000 | 99 | 0000

EMPLOYING DEPARTMENT OR AGENCY: Committee on ABC

AGENCY LOCATION (City, State, ZIP Code): Washington, D.C. 20515

HAVE YOU EVER BEFORE FILED THIS FORM? ☐ YES ☐ NO

If "YES," your last such form remains in effect and you should not file this new form unless you want to change the old one

3 By law, a person, who can be covered, automatically receives regular life insurance, unless he waives all coverage. You have the choice of waiving all coverage, increasing your life insurance coverage through additional optional insurance, or declining the additional optional insurance. So, READ CAREFULLY AND THEN

MARK AN "X" IN ONE OF THE BOXES BELOW (DO NOT MARK MORE THAN ONE):

Mark here for **BOTH OPTIONAL AND REGULAR** insurance. → ☐ **A** I WANT THE $10,000 OPTIONAL INSURANCE in addition to my regular insurance. I authorize deductions to pay the full cost.

Mark here for **REGULAR BUT NO OPTIONAL** insurance. → ☐ **B** I DO NOT WANT THE $10,000 OPTIONAL INSURANCE but I understand I still get my regular insurance. I understand I cannot get optional insurance, unless I: (1) wait at least one year after I sign this form, (2) am under age 50 when I apply, AND (3) give satisfactory medical evidence of insurability.

Mark here for **NO INSURANCE AT ALL.** → ☒ **C** I DO NOT WANT ANY LIFE INSURANCE NOW. I understand that I cannot get any regular insurance, unless I: (1) wait at least one year after I sign this form, (2) am under age 50 when I apply, AND (3) give satisfactory medical evidence of insurability. I understand I cannot get the $10,000 optional insurance unless I first have the regular insurance.

4 DATE AND SIGN. RETURN THE ENTIRE FORM TO YOUR EMPLOYING OFFICE.

SIGNATURE (do not print)

DATE: Janaury 20, 1978

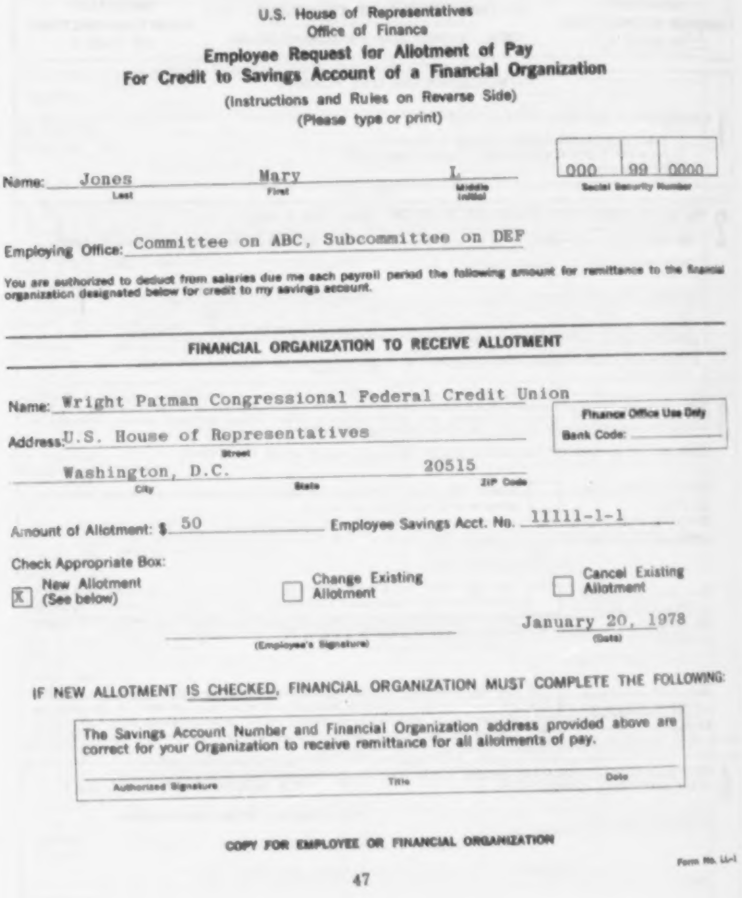
FOR EMPLOYING OFFICE USE ONLY

(official receiving date stamp)

See Table of Effective Dates on back of Original

46

Sample Form—Employee Request for Allotment of Pay for Credit to Savings Account of a Financial Organization



U.S. House of Representatives
Office of Finance

Employee Request for Allotment of Pay
For Credit to Savings Account of a Financial Organization

(Instructions and Rules on Reverse Side)
(Please type or print)

Name: Jones (Last) Mary (First) L. (Middle Initial)

Social Security Number: 000 | 99 | 0000

Employing Office: Committee on ABC, Subcommittee on DEF

You are authorized to deduct from salaries due me each payroll period the following amount for remittance to the financial organization designated below for credit to my savings account.

FINANCIAL ORGANIZATION TO RECEIVE ALLOTMENT

Name: Wright Patman Congressional Federal Credit Union

Address: U.S. House of Representatives (Street)
Washington, D.C. (City) (State) 20515 (ZIP Code)

Finance Office Use Only
Bank Code:

Amount of Allotment: $ 50

Employee Savings Acct. No. 11111-1-1

Check Appropriate Box:

☒ New Allotment (See below)

☐ Change Existing Allotment

☐ Cancel Existing Allotment

(Employee's Signature)

January 20, 1978 (Date)

IF NEW ALLOTMENT IS CHECKED, FINANCIAL ORGANIZATION MUST COMPLETE THE FOLLOWING:

The Savings Account Number and Financial Organization address provided above are correct for your Organization to receive remittance for all allotments of pay.

Authorized Signature | Title | Date

COPY FOR EMPLOYEE OR FINANCIAL ORGANIZATION

Form No. LL-1

47

Certificate of Relationship/Nonrelationship to Any Current Member of Congress

Date January 20, 1978

To: Hon. John Q. Doe
(Employing Authority)

☒ I certify that I do not have any of the following relationships to any current Member of Congress.

- father
- mother
- son
- daughter
- brother
- sister
- uncle
- aunt
- first cousin
- nephew
- niece
- husband
- wife
- father-in-law
- mother-in-law
- son-in-law
- daughter-in-law
- brother-in-law
- sister-in-law
- stepfather
- stepmother
- stepson
- stepdaughter
- stepbrother
- stepsister
- half-brother
- half-sister

☐ I certify that I am the ______________________ of the
(Relationship)

Honorable ______________________.
(Name of Member to whom related)

Mary L. Jones
(Employee)

2. **Ramspeck Act.**—Congressional employees who lose their positions of employment due to circumstances beyond their control may apply for comparable positions in the Federal Civil Service under the provisions of the Ramspeck Act. Application for eligibility under this Act requires a minimum of three years service in the legislative branch plus involuntary separation without prejudice from the legislative branch. (See 5 U.S.C. Section 3304; see also sample form and Civil Service Commission guidelines, pages 50 and 51.)

3. **Official Identification Cards.**—

(*a*) Identification cards are issued to all employees of the House of Representatives, including Members and their spouses.

(*b*) Photographs are taken, and identification cards are issued on Fridays, between 9:30 a.m. and 4:00 p.m., in the Finance Office, Room 263 Cannon Building.

(*c*) Temporary or volunteer employees who are not on the House payroll may be issued identification cards on written request to the Clerk of the House of Representatives. Letters of request must include the Social Security Number of the person to receive the card.

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C. 20415

APPLICATION FOR NONCOMPETITIVE EXAMINATION UNDER 5 USC 3304(c)
(FORMERLY ACT OF NOVEMBER 26, 1940 – "RAMSPECK ACT")

Standard Form 171 must be executed and submitted with this application.	DATE

CIVIL SERVICE COMMISSION:

I hereby apply for noncompetitive examination for the position of ____________________.

I ☐ was ☐ will be separated involuntarily as follows:	DATE OF SEPARATION
POSITION HELD	OFFICE

NAME, ADDRESS, CITY, STATE AND ZIP CODE

APPLICANTS SHOULD HAVE THE PARTS BELOW AND ON REVERSE FULLY EXECUTED

OFFICE	DATE

TO THE CIVIL SERVICE COMMISSION:

1. This employee

☐ (a) was separated involuntarily and without prejudice on ____________________.
☐ (b) will be separated involuntarily and without prejudice within 90 days, effective ____________________.

2. Detailed reasons for termination of employment

NOTE: Transfer to or reinstatement in the competitive civil service can not be authorized unless it is conclusively shown that the employee's separation from the Legislative or Judicial branch was involuntary.

3. Position from which separated	at $ __________
4. Office from which separated	5. Kind or kinds of work performed

6. Degree of efficiency in work performed

7. I certify that this employee has rendered active service for not less than:

☐ 3 years ☐ 4 years

Signature	Official Title

NOTE: Reverse side of this form should be executed by the Financial Clerk of the Senate or the Disbursing Clerk of the House of Representatives, or the Administrative office of the U. S. Courts, as the case may be.

E 303 10 74

Civil Service Commission Guidelines for Appointment Based on Legislative Service Under Special Provisions of the Ramspeck Act of November 26, 1940 As Amended

Section 3303(c) of Title 5 (formerly Section 2(b) of Title 1 of the Ramspeck Act of November 26, 1940 (54 Stat. 1211; 5 U.S.C. 631b), as amended by Public Law 85–432, May 29, 1958) provides as follows:

An individual who served for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives acquires a competitive status for transfer to the competitive service if he is involuntarily separated without prejudice from the legislative branch, passes a suitable noncompetitive examination, and transfers to the competitive service within 1 year of the separation from the legislative branch. For the purpose of this subsection, an individual who has served at least 2 years in a position in the legislative branch described above and who is separated from that position to enter the Armed Forces is deemed to have held that position during his service in the Armed Forces.

Some of the more important decisions of the Civil Service Commission with reference to eligibility under this provision are as follows:

The 3 years of service required for eligibility need not have been continuous.

The employee must have been separated from his position in the legislative service or it must be definitely known that he will be separated within 90 days.

The separation must be involuntary and without prejudice; that is, the employee's record must be good and his final separation must be due to circumstances beyond his control, such as death, defeat, or resignation of the employer, separation because of lack of funds, or involuntary separation for some other reason.

Discharge from the Armed Forces under honorable conditions may be considered an involuntary separation from the legislative position.

The individual must locate a competitive position in the Federal service within 1 years of his involuntary separation.

In cases in which there has been a break between service in the legislative service and the appointment under 5 USC 3304(c) the appointment is effected as a reinstatement.

The employee does not serve a probationary period in connection with an appointment under 5 USC 3304(c).

E 346 January 1977.

F. TRAVEL

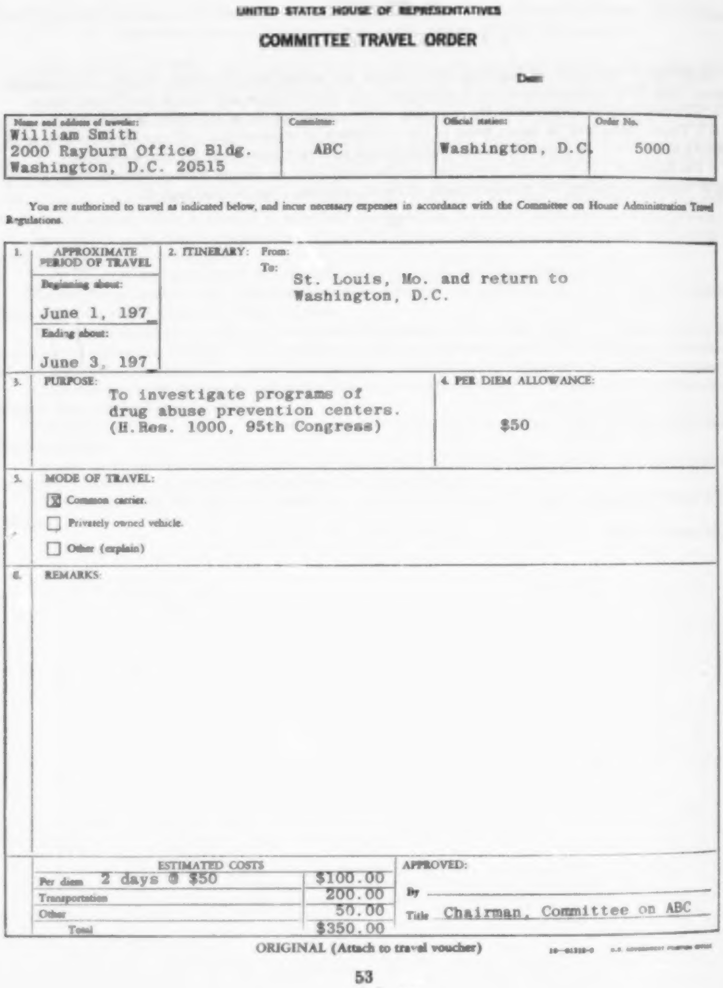
1. AUTHORITY FOR TRAVEL

Committees of the House of Representatives which are authorized to conduct studies and investigations and which have funds available for this purpose, may travel within and outside the United States.

a. All travel shall be approved by the chairman of the committee for which travel is performed.

b. A Travel Order will be issued prior to the incurrence of expenses and will specify the travel to be performed as definitely as possible, unless circumstances in a particular case prevent such action.

c. The standard Travel Order, prescribed by the Committee on House Administration, must accompany all vouchers submitted for reimbursement of travel expenses. (See sample, page 53.)



UNITED STATES HOUSE OF REPRESENTATIVES

COMMITTEE TRAVEL ORDER

Date:

Name and address of traveler:	Committee:	Official station:	Order No.
William Smith 2000 Rayburn Office Bldg. Washington, D.C. 20515	ABC	Washington, D.C.	5000

You are authorized to travel as indicated below, and incur necessary expenses in accordance with the Committee on House Administration Travel Regulations.

1. APPROXIMATE PERIOD OF TRAVEL

Beginning about: June 1, 197_

Ending about: June 3, 197_

2. ITINERARY: From:

To: St. Louis, Mo. and return to Washington, D.C.

3. PURPOSE: To investigate programs of drug abuse prevention centers. (H.Res. 1000, 95th Congress)

4. PER DIEM ALLOWANCE: $50

5. MODE OF TRAVEL:

☒ Common carrier.

☐ Privately owned vehicle.

☐ Other (explain)

6. REMARKS:

ESTIMATED COSTS	
Per diem 2 days @ $50	$100.00
Transportation	200.00
Other	50.00
Total	$350.00

APPROVED:

By

Title Chairman, Committee on ABC

ORIGINAL (Attach to travel voucher)

2. GENERAL

a. All Chairmen, Members and employees shall exercise due care and practice economy in all matters involving travel.

b. All committees of the House of Representatives will file a monthly report of all travel by Members and employees as prescribed by the Committee on House Administration.

c. The Committee on House Administration will review and audit all vouchers submitted for payment or reimbursement of expenses incurred in connection with official travel of the House of Representatives. Records maintained in the various committee offices relative to official travel of Members and employees will be available for audit by the Committee on House Administration.

d. Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of official business.

e. No reimbursement will be made for expenses incurred by other than Members or employees of the committee conducting a study or investigation unless specifically authorized by the Speaker of the House to assist in such study or investigation.

f. No Member or employee will be put to personal expense because of his performance of properly authorized official travel if it can be avoided under existing laws and regulations prescribed by the Committee on House Administration.

g. When leave of absence of any kind is taken while in travel status, it must be shown on the travel voucher.

h. When a Government owned or leased automobile or other transportation equipment is used, its use shall be limited to essential official purposes.

i. No payments will be made to travel agencies for the cost of transportation or accommodations furnished Members or employes.

j. All travel will be by a usually traveled route. Travel by other routes may be allowed when the official necessity is satisfactorily established.

k. If a Member or employee, for his own convenience, travels by an indirect route or interrupts travel by direct route, the extra expense will be borne by him. Reimbursement for expenses will be based only on such charges as would have been incurred by a usually traveled route. When transportation requests are used, they should be issued only for that portion of the expense properly chargeable to the Government, and the Member or employee should pay the additional personal expense to the carrier in cash, including the Federal transportation tax. The cashing or exchanging of tickets purchased with transportation requests is prohibited.

l. Members traveling on official committee business may be reimbursed for transportation between Washington, D.C., their district and the place of official business in any combination. Employees may be reimbursed for transportation between their place of permanent employment, normally Washington, D.C., and the place of official business.

3. ALLOWABLE TRANSPORTATION EXPENSES

a. (1) For official travel, Members and employees are authorized to utilize the following methods of transportation:

railroads,
airlines,
helicopter service,
ships,
buses,
streetcars,
taxicabs,
and other usual methods of conveyance.

(2) Transportation may include fares and such expenses as official telegraph, telephone, radio, cable service and other items incident to transportation.

b. Reimbursement for the usual taxicab fares, including a reasonable tip, from common carrier or other terminal to either place of abode or place of business, or from either place of abode or place of business to common carrier or other terminal, will be allowed. Receipts must be provided if the aggregate total of the taxi fare, and tip exceeds $10 for each use.

c. (1) The hire of an automobile for official business will be allowed if authorized on the travel order as advantageous to the government. The General Services Administration publishes a pamphlet which lists the current contracts with various car rental agencies. This pamphlet is available from GSA (8FFS), Bldg. 41, Denver Federal Center, Denver, Colo. 80225.

(2) If the hire of an automobile includes payment by the traveler of the incidental expenses of gasoline or oil, rent of garage, subsistence of operator, ferriage, tolls, etc., the same should be first paid, if practicable, by the person furnishing the accommodation, or his operator, and itemized in the bill.

(3) Where two or more persons travel together by means of such automobile the name of all such persons traveling together must be stated by each traveler on his travel voucher.

(4) Charges for the hire of an automobile of another Government employee, of a member of the traveler's family, or a member of the family of another Government employee, will not be allowed.

d. (1) When Members and employees rendering service to the Government use privately owned automobiles, airplanes, or motorcycles in the conduct of official business and such use is authorized or approved, payment shall be made on a mileage basis at the following rates per mile:

automobile	$0.17
motorcycle	0.15
airplane	0.26

In such cases the mileage rate as authorized or approved may be paid from whatever point the journey begins.

(2) When transportation by privately owned automobiles or motorcycles is authorized or approved, distances between points traveled will be as shown in the Rand McNally Standard Highway Mileage Guide plus 10 percent, or actual mileage. Any substantial deviation from distances shown in the Rand McNally Standard Highway Mileage Guide plus 10 percent shall be explained.

(3) When transportation by privately owned airplane is authorized or approved, highway mileage, as determined from the Rand McNally Standard Highway Mileage Guide plus 10 percent will be reported on the reimbursement voucher and used in computing payment.

(4) Reimbursement for the cost of automobile parking fees; ferry fares; bridge, road, tunnel tolls; and airport landing fees will be allowed unless the travel order restricts their allowance.

(5) In lieu of the use of taxicab, payment on a mileage basis at the rate of 17 cents per mile will be allowed for the round trip mileage of a privately owned automobile, or 15 cents per mile will be allowed for the round trip mileage of a privately owned motorcycle, used in connection with a Member or employee going from either his place of abode or place of business to a terminal or from a terminal to either his place of abode or place of business. The fee for parking an automobile at a common carrier terminal, or other parking area, while the traveler is away from his official station, will be allowed only to the extent that the fee, plus the allowable mileage reimbursement to and from the terminal or other parking area, does not exceed the cost of taxicab fare.

(6) Mileage will be payable to only one of two or more Members or employees traveling together on the same trip and in the same vehicle, but no deduction will be made from the mileage otherwise payable to the Member or employee entitled thereto by reason of the fact that other passengers (whether or not Government employees) may travel with him and contribute in defraying the operating expenses. The names of Members or committee employees and the employing committee should be stated on the travel voucher.

e. Members and employees shall use American air carriers where travel is performed by commercial air transportation between the United States and a foreign country or between foreign countries unless such service is not reasonably available.

f. Members and employees, when on official business, are required by law to travel on ships registered under the laws of the United States. (See 46 U.S.C. 1241(2).)

g. Transportation by taxi, bus, subway, or streetcar between places of business at official station or temporary official station, and between place of lodging and place of business at a temporary official station, will be allowed as a transportation expense. Where the nature and location of the work at a temporary official station are such that suitable meals cannot be procured there, the expense of daily travel required to procure meals at the nearest available place will be considered necessary transportation not incidental to subsistence. A statement of necessity for such daily travel should accompany the travel voucher.

4. PROCUREMENT OF COMMON CARRIER TRANSPORTATION

Transportation may be purchased with:

a. United States House of Representatives Transportation Requests forms (Transportation Request forms are bound in booklets of ten sets, each set consisting of one original and one memorandum copy. They are printed on punched card and stock and are serially prenumbered at the time of manufacture. Committees will be furnished supplies of Transportation Requests by the House Finance Office upon written request of the committee chairman.)

b. Universal airline credit card. (Each standing committee of the House of Representatives may have issued to it one such card in the name of the chairman.)

c. Cash, check, personal credit card or other negotiable instrument of the Member or employee. (Reimbursement will be made pursuant to justification of expense on travel vouchers.)

5. PREPARATION OF TRANSPORTATION REQUESTS

a. Taking care to insure legibility and permanency, the following guide shall be used in the preparation of U.S. House of Representatives Transportation Requests:

(1) In the space following "Committee on" enter the exact name of committee for which travel is being furnished.

(2) In the space above "Room Number" enter the room number of the committee or Member being furnished travel.

(3) In the space above "House Office Building" enter the appropriate abbreviation of the House Office Building of the committee or Member being furnished travel.

(4) The space below "Issuing Government Officer (Signature and Title)" must be signed by hand before the document is valid for service. In addition, the title of the Issuing Government Officer must be entered after his or her signature.

(5) In the space entitled "Traveler" type or print the name of the traveler.

(6) In the space entitled "Carrier or Agent tendered to" enter the name of the carrier which is to honor the document.

(7) In the space following "Travel Order No." enter the appropriate travel order number or numbers that are covered by the request.

(8) In the space following "Dated" enter date or dates of the travel order.

(9) The space for "Place and Date of Issue" refers to the place and date of issue of the request and not of the ticket or transportation service involved.

(10) In the space for "Others (No. ----) Specify ----" place the number of additional persons traveling under the request and their respective names.

(11) In the space for "Special Accommodations and Requirements" enter such items as when accommodations are by rail, the exact quantity and type to be furnished, such as lower standard berth, parlor car seat, roomette, reserved coach seat, etc. (abbreviated if necessary) should be clearly shown as well as the points between which each type of accommodation will be utilized.

(12) In the space following the word "From" enter the name of the city and state or point from which transportation is to be furnished.

(13) In the space following the word "To" enter the name of the city and state or point to which transportation is to be furnished. If round trip transportation is desired, enter the words "and return" after the name of the destination, city and state. Also, whenever round trip transportation is being requested, the time limit within which the round trip travel is to be performed must be indicated, for example, "return limit 30 days".

(14) In the space below "Carrier and Class of Service" enter abbreviation of carrier name and enter the officially identified name of the class of service desired. For example, in rail travel it may be first, second, or coach, etc.; in air travel it may be first, day coach or night coach, charter, etc.; in ship it may be first, second, cabin or tourist, etc.; and in bus it may be coach, special, charter, etc. If mixed classes of services are required by the traveler, they shall be clearly identified.

(15) In the space below "Excess Baggage Authorized" indicate the weight and number of pieces on each part of the travel.

b. In addition to the above, the following general instructions should be observed when applicable:

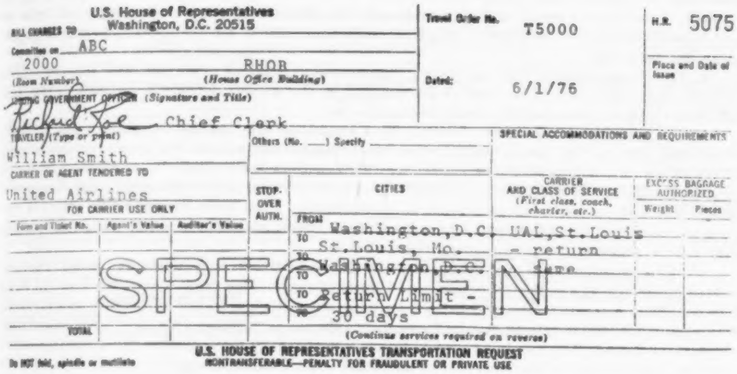
(1) When all the spaces on the face of the request are not required for the services being procured, horizontal lines should be drawn through the spaces that are not utilized.

(2) When the request is issued for a combination of classes of transportation and/or accommodations, specific information as to respective carriers and services authorized must be shown in detail in the "carrier and class of service" space or on the reverse of the request to preclude any ambiguity.

(3) When the available space on the front of the request is inadequate for the insertion of all of the necessary information, the space on the reverse should be utilized for continuation puposes.

Specimen copies of properly executed transportation requests follow:

TRANSPORTATION REQUEST ROUND TRIP



BILL CHARGES TO U.S. House of Representatives Washington, D.C. 20515

Committee on ABC

2000 (Room Number) RHOB (House Office Building)

ISSUING GOVERNMENT OFFICER (Signature and Title) Richard Roe Chief Clerk

TRAVELER (Type or print) William Smith

CARRIER OR AGENT TENDERED TO United Airlines

Travel Order No. T5000

Dated: 6/1/76

H.R. 5075

Place and Date of Issue

Others (No. ___) Specify

SPECIAL ACCOMMODATIONS AND REQUIREMENTS

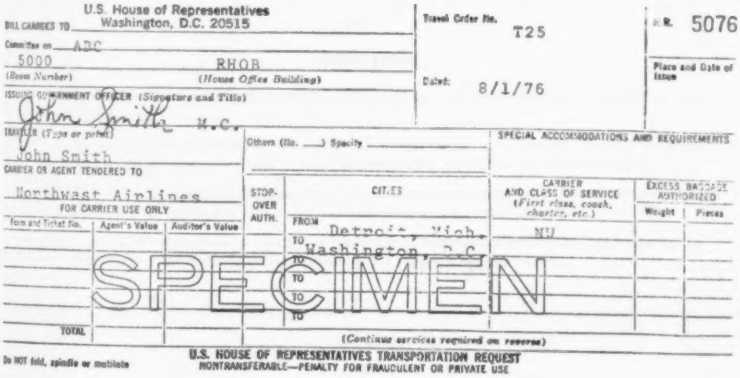
FOR CARRIER USE ONLY			STOP-OVER AUTH.	CITIES	CARRIER AND CLASS OF SERVICE (First class, coach, charter, etc.)	EXCESS BAGGAGE AUTHORIZED	
Form and Ticket No.	Agent's Value	Auditor's Value				Weight	Pieces
				FROM Washington, D.C.	UAL, St. Louis		
				TO St. Louis, Mo.	- return		
				TO Washington, D.C.	- same		
				TO			
				TO Return Limit -			
				TO 30 days			
TOTAL				(Continue services required on reverse)			

SPECIMEN

Do NOT fold, spindle or mutilate

U.S. HOUSE OF REPRESENTATIVES TRANSPORTATION REQUEST
NONTRANSFERABLE—PENALTY FOR FRAUDULENT OR PRIVATE USE

TRANSPORTATION REQUEST ONE WAY



BILL CHARGES TO U.S. House of Representatives Washington, D.C. 20515

Committee on ABC

5000 (Room Number) RHOB (House Office Building)

ISSUING GOVERNMENT OFFICER (Signature and Title) John Smith M.C.

TRAVELER (Type or print) John Smith

CARRIER OR AGENT TENDERED TO Northwest Airlines

Travel Order No. T25

Dated: 8/1/76

H.R. 5076

Place and Date of Issue

Others (No. ___) Specify

SPECIAL ACCOMMODATIONS AND REQUIREMENTS

FOR CARRIER USE ONLY			STOP-OVER AUTH.	CITIES	CARRIER AND CLASS OF SERVICE (First class, coach, charter, etc.)	EXCESS BAGGAGE AUTHORIZED	
Form and Ticket No.	Agent's Value	Auditor's Value				Weight	Pieces
				FROM Detroit, Mich.	NW		
				TO Washington, D.C.			
				TO			
				TO			
				TO			
				TO			
TOTAL				(Continue services required on reverse)			

SPECIMEN

Do NOT fold, spindle or mutilate

U.S. HOUSE OF REPRESENTATIVES TRANSPORTATION REQUEST
NONTRANSFERABLE—PENALTY FOR FRAUDULENT OR PRIVATE USE

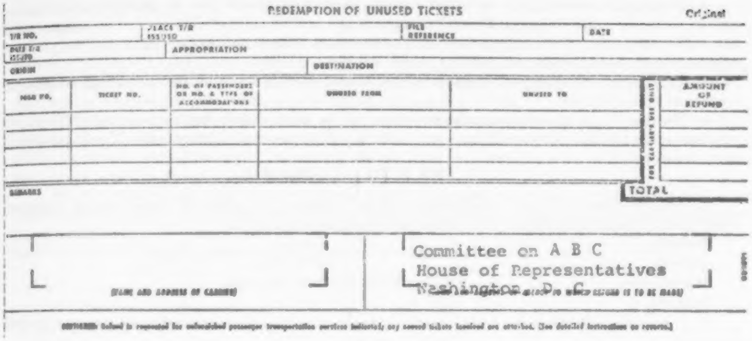
c. Lost or stolen Transportation Request forms should be reported immediately to the committee con- concerned. If a lost or stolen transportation request form is recovered subsequent to the report of its loss or theft, it shall not be used, but shall be transmitted to the committee. A traveler may be held liable for any expenditure of the Government caused through negligence on his part in safeguarding Transportation Request forms.

d. (1) When a traveler finds that he will not use accommodations which have been reserved for him he will release them within the time limits specified by the carriers. Failure of travelers to take such action may subject them to liability for any resulting losses.

(2) The traveler shall report promptly to a committee each instance in which travel is finally terminated short of the destination to which the transportation request was drawn, services actually furnished are of a value less than or a character different from those originally specified on a request which has not been so endorsed, or the return portion of a round trip ticket is not used. The traveler should return all unused tickets or coupons to the committee. When there are no unused tickets or cou- pons as evidence of the unfurnished service the traveler should endeavor to secure written acknowledgment of the situation from the carrier's representative.

(3) The committee shall take prompt steps to effect adjustments with carriers for unused tickets, exchange orders, etc. by use of a "Redemption of Unused Tickets". This form is available from the House Finance Office. A separate form will be used for each transportation request involved in an adjustment. The original and duplicate copy shall be forwarded to the carrier together with the related unused tickets or portions thereof. The remaining copies should be retained by the committee for accounting control purposes. Upon receipt by the Committee of the refund and the returned original form, the refund shall be entered in the committee records and the refund checks, along with the form, shall be sent to the House Finance Office for deposit and credit to the committee funds. A specimen copy of a "Redemption of Unused Tickets" follows:

Redemption of Unused Tickets



REDEMPTION OF UNUSED TICKETS

Original

T/R NO.	PLACE T/R ISSUED	FILE REFERENCE	DATE
DATE T/R ISSUED	APPROPRIATION		
ORIGIN	DESTINATION		

[illegible] NO.	TICKET NO.	NO. OF PASSENGERS OR NO. & TYPE OF ACCOMMODATIONS	UNUSED FROM	UNUSED TO	FOR CARRIER'S USE ONLY	AMOUNT OF REFUND
					TOTAL	

REMARKS

(NAME AND ADDRESS OF CARRIER)

Committee on A B C
House of Representatives
Washington, D. C.

(NAME AND ADDRESS OF AGENCY TO WHICH REFUND IS TO BE MADE)

CARRIER: Refund is requested for unfinished passenger transportation services indicated; any unused tickets involved are attached. (See detailed instructions on reverse.)

(FRONT)

INSTRUCTIONS

1. Carriers should not effect adjustment by crediting the value of unused tickets in presenting charges on other bills.
2. Carriers should not request the agency to furnish any payment or billing identification of the bill which covered the charges on the U.S. House of Representatives Transportation Request involved.
3. The value of each unused ticket that appears in the listing should be inserted by the carrier on the face of the original copy of this form in the column captioned, "Amount of Refund."
4. The original copy should be returned to the House of Representatives with the check covering the refund due. Check should be made payable to the House of Representatives.

(REVERSE)

6. BAGGAGE

a. Baggage in excess of the weight or of size greater than carried free by transportation companies will be classed as excess baggage. Excess baggage charges will be allowed when authorized or approved. If the authorization for excess baggage is not included on the transportation request, the traveler's claim for reimbursement should be included on the travel voucher.

b. Charges for the storage of baggage will be allowed when it is shown that such storage was solely on account of official business.

c. Charges or tips at transportation terminals will be allowed only for the handling of Government property carried by the traveler. Charges or tips for handling personal baggage are to be paid from the per diem allowance.

7. PER DIEM ALLOWANCE

a. The per diem in lieu of subsistence expenses includes all charges for meals, lodging, laundering, cleaning and pressing of clothing; and further includes all fees and tips to:

waiters,
porters,
baggagemen,
bellboys,
maids,
stewards,
hotel servants.

b. A per diem allowance for travel on official business in lieu of actual subsistence may be authorized as follows:

(1) $50—for travel within the United States, its territories and possessions
(2) $75—for travel outside the United States, its territories and possessions.

In cases of official domestic or foreign travel where of the established rate per diem is not sufficient to cover subsistence, actual expenses may be claimed if written approval has been obtained from the Committee on House Administration prior to travel.

c. If the member or employer travels for only a portion of a day the per diem rates authorized may be reduced, at the discretion of the committee authorizing the travel, to more truly reflect the expenses incurred by the traveler.

d. (1) If leave of absence begins during prescribed hours of duty, per diem terminates at the beginning of the next day, providing that normal work functions were performed from the beginning of the workday until at least 12:00 noon on the day that the leave of absence begins.

(2) If leave of absence terminates during work hours, per diem begins at the beginning of the day the leave of absence terminates, providing that normal work functions were performed from at least 12:00 noon until the end of the day that leave of absence terminated.

(3) If leave of absence does not begin during a traveler's prescribed hours of duty and begins prior to 8:00 a.m., the traveler shall be entitled to per diem until midnight of the last day preceding leave of absence, except that if leave of absence begins after completion of a normal work day, the traveler shall be entitled to per diem for that day.

(4) If leave of absence does not terminate during a traveler's prescribed hours of duty and terminates after 5:00 p.m., the traveler shall be entitled to per diem from 12:01 a.m. of the day following the day on which the leave of absence terminated.

e. (1) During leave of absence taken due to incapacitation from illness or injury, not resulting from a traveler's own misconduct, per diem will be continued for a period not to exceed 14 calendar days, unless a longer period is approved. No additional evidence of the illness or injury need be submitted with the travel voucher.

(2) Transportation expenses to a traveler's official station, and per diem en route may be authorized when a traveler is incapacitated due to illness or injury, not resulting from his own misconduct, when en route to, or at a temporary official duty station prior to completion of traveler's assignment.

f. (1) Per diem in lieu of subsistence and lodging will not be allowed a Member or employee either at his official station or at his place of abode from which he commutes daily to his official station. However, in the case of a Member who is called back to Washington for committee hearings or specific conferences during an adjournment of Congress pursuant to a Concurrent Resolution, per diem will be allowed for travel time between the Member's home and Washington. D.C., and for each day occupied in committee hearings or conferences.

(2) Committee members and employees will not be paid per diem within a 100 mile radius of locations where they maintain a permanent residence. However, reimbursement for actual expenses for food, lodging and other allowable expenses may be made when approved by the committee chairman and receipts are provided. Such reimbursement may not exceed the established rate of per diem.

g. (1) The date of departure from and arrival at the official station, or other place at which official travel begins and ends, and points at which temporary duty is performed will be shown on the travel voucher where such arrival or departure affects the per diem allowance or other travel expenses. Other points visited should be shown on the voucher.

(2) If duty at a particular place within the traveler's itinerary is prolonged beyond a period of 30 days, travel vouchers submitted before return should state the approximate period to be covered by his assignment at such place, or the approximate date of return to official station or both, as well as any other pertinent facts which will tend to show that his assignment at such place is of a temporary nature.

8. OTHER EXPENSES

a. (1) Telephone, telegram, cablegram, radiogram and other communications services for official busi-ess may be utilized.

(2) Government-owned communications facilities should be utilized where practicable. If not available, he cheapest practicable commercial service should be used.

b. When necessary to engage a room at a hotel or other place in order to transact official business, charges herefor will be allowed when authorized or approved.

c. Government property not classed as baggage and not admissable to the mails may be shipped by xpress or freight.

d. The following items may be authorized or approved when related to travel outside the limits of the nited States and its territories or possessions:

(1) Commissions for conversion of currency;

(2) Costs of traveler's checks;

(3) Fees in connection with the issuance of passports or visas (such charges shall include, but not be limited to photographs for passports and visas; certificates of birth, health and identity; and other affidavits);

(4) Charges for innoculation which cannot be obtained through a Federal dispensary.

e. Charges for the following services will be paid when authorized or approved:

(1) Stenographic or typewriting services;

(2) Rental of business machines;

(3) Services of guides or interpreters;

(4) Storage of property outside Washington, D.C.

9. TRAVEL VOUCHERS

a. All persons authorized to travel on business for the House of Representatives should keep a memoran-um of expenditures properly chargeable to the Government. The memorandum should note each item at the me the expense is incurred, together with the date. The information thus accumulated will be available for e proper preparation of travel vouchers.

b. (1) All claims for the reimbursement of traveling expenses will be submitted on authorized reim-rsement forms and must be itemized and stated in accordance with these regulations.

(2) Claims shall be submitted to and received by the Finance Office within 30 days after the end of a lendar quarter for all travel performed in that quarter. Failure to submit timely claims will result in for-iture of entitlement for such reimbursement, unless such failure is excused by the Committee on House dministration when good cause is shown.

(3) The travel voucher must be supported whenever practicable by a copy of the travel order. If the travel order has been filed or attached to a previous voucher, proper reference thereto should be made.

(4) Travel vouchers must be supported by copies of commercial transportation tickets and receipts as required in these regulations. Receipts must be numbered consecutively, commencing with No. 1 for each voucher.

(5) Where claim is made for common carrier transportation obtained with cash, check, or personal credit card, or other negotiable instrument, the ticket stubs issued by the carrier should be attached to the voucher.

c. Travel vouchers will be completed as follows:

(1) Expenses incurred will be itemized on vouchers in chronological order. (Committees may authorize travelers to enter total amounts spent during a voucher period for local phone calls; local streetcar, bus and subway fares; and parking meter fees.)

(2) The exact period for which per diem is claimed must be stated.

(3) Erasures and alterations in totals on vouchers must be initialed by the traveler. Erasures and alterations on receipts must be initialed by the person who signed the receipt.

(4) Items in travel vouchers not stated in accordance with these regulations, or not properly supported by receipts when required, will be suspended and the notification of such action will indicate the reasons therefor. Such items which may be subsequently allowed should be included in a subsequent regular or supplemental travel voucher. Full itemization will be required for all suspended items which are reclaimed and charges must be supported by the original suspension notice of a copy thereof. Items suggested from previous travel vouchers and reclaimed must be stated after all other items have been listed.

FRONT

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

(Do not write in this space)

Vo. No. ....

Check No. ....

Dated ....

TO William Smith

Address 2000 Rayburn Office Bldg.
Washington, D.C. 20515

(Do not write in this space)

Appropriation:

FOR TRAVEL AND OTHER EXPENSES		APPLICABLE TRAVEL ORDER	
FROM (DATE)	TO (DATE)	NO.	DATE
June 1, 197–	June 3, 197–	5000	May 31, 197–

TRANSPORTATION REQUESTS ISSUED

TRANSPORTATION REQUEST NUMBER	AGENTS VALUATION OF TICKET	INITIALS OF CARRIER ISSUING TICKET	MODE, CLASS OF SERVICE, AND ACCOMMODATIONS	DATE ISSUED	POINTS OF TRAVEL	
					FROM—	TO—
A6,663,721	$200.00	UA	Y	6/1/7–	Washington, D.C.	St. Louis, Mo. and return

FUND AUTHORITY		Dollars	Ct
H Res 1000 95th Cong	Amount Claimed (FROM REVERSE OF VOUCHER) →	$130	00

TRIPLICATE—Initiating Office

REVERSE

SCHEDULE OF EXPENSES AND AMOUNTS CLAIMED

PREVIOUS TEMPORARY DUTY (*Complete these blocks only if in travel status immediately prior to period covered by this voucher*)

DEPARTURE FROM OFFICIAL STATION (DATE)	TEMPORARY DUTY STATION LAST DAY OF PRECEDING VOUCHER PERIOD (LOCATION)	(DATE OF ARRIVAL)

DATE 19....	NATURE OF EXPENSE	AUTHORIZED MILEAGE RATE 17¢		AMOUNT CLAIMED		
		SPEEDOMETER READINGS	NO. OF MILES	MILEAGE	PER DIEM	OTHER
6/1	Taxi - Residence to National Airport					$ 8.00
	Washington, D.C. to St. Louis via					
	UAL					
	Limousine - Airport to Hotel					5.00
	Per diem				$ 50.00	
6/2	Official telephone calls in St. Louis					8.50
	Per diem				50.00	
6/3	Limousine Hotel to Airport					5.00
	St. Louis to Washington, D.C. via					
	UAL					
	Taxi - National Airport to RHOB					3.50
Grand total to face of voucher (Subtotals, to be carried forward if necessary) →	$130				$100.00	$30.00

10. RECEIPTS

a. Receipts will be required for allowable cash expenditures in amounts in excess of $15. If it is impracticable to furnish receipts in any case, the failure to do so must be fully explained in the travel voucher. Mere inconvenience is not a valid reason for failure to furnish receipts.

b. Receipts will be required for expenditures including, but not limited to the following:

(1) Excess baggage receipts should indicate weight and points between which baggage traveled;
(2) Baggage transfer and checking;
(3) Storage of baggage or property;
(4) Shipments, freight or express, regardless of amount;
(5) Clerical, stenographic and typing services;
(6) Rental of typewriters;
(7) Rental of rooms for official business;
(8) Telegrams, cablegrams and radiograms;
(9) Long distance telephone service (where coinbox telephone is used, and it is so stated on the voucher, receipt will not be required.);
(10) Copies of records, etc., furnished by non-Federal government officials;
(11) Fees relating to travel outside the United States, its territories and possessions;
(12) Personal services such as guides, interpreters, packers or drivers of vehicles;
(13) Steamer chairs, cushions or rugs;
(14) Hire of automobiles;
(15) Miscellaneous expenses.

11. REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL—GROUP OR DELEGATION

Federal law requires (see 22 U.S.C. 276c–1) that each chairman or senior member of a group or delegation submit an itemized report, showing all expenditures made by, or on behalf of each Member or employee of the group. The report shall include the purpose of the expenditures, including per diem, transportation and other expenditures. The report shall be submitted to the Chairman of the Committee on International Relations in a form which said Chairman shall prescribe.

The Chairman of the Committee on International Relations shall, within sixty days after the beginning of each regular session of Congress, prepare a consolidated report with respect to each group which has reported. The consolidated report will be filed with the Committee on House Administration and shall be open to public inspection.

Page 1 of 1

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL

U.S. House of Representatives Delegation,
British-American Parliamentary Group , U.S. House of Representatives

EXPENDED BETWEEN JANUARY 1, AND DECEMBER 31, 19

NAME OF MEMBER OR EMPLOYEE	DATE		COUNTRY	PER DIEM **		TRANSPORTATION		OTHER PURPOSES		TOTAL	
	ARRIVAL	DEPARTURE		FOREIGN CURRENCY	*U.S. EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	*U.S. EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	*U.S. EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	*U.S. EQUIVALENT OR U.S. CURRENCY
liver Holmes			England	193.92	450.00					193.92	450.00
Duncan			"	193.92	450.00					193.92	450.00
mes Sullivan			"	193.92	450.00					193.92	450.00
mes Dean			"	193.92	450.00					193.93	450.00
in Simons			"	193.92	450.00					193.92	450.00
rrence Dunn			"	193.92	450.00					193.92	450.00
n Fisher			"	193.92	450.00					193.92	450.00
mothy Fragale			"	193.92	450.00					193.92	450.00
rtrude Stein			"	193.92	450.00					193.92	450.00
legation expenses - including office rental, telephone official representation and transportation										775.68	1800.00
			COMMITTEE TOTALS***	xxxxxxxx	4050.00	xxxxxxxx		xxxxxxxx		xxxxxxxx	5850.00

RECAPITULATION	AMOUNT
Foreign currency (U.S. $ equivalent)	$4050
Appropriated funds:	
H. Res. 2080	1800
Other	
Government Department: (identify each)	
TOTAL	$5850

Signed: Oliver Holmes
U.S. House of Representatives Delegation,
Committee on British-American Parliamentary Group

Date: April 16, , 19 7

*If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.
**Per Diem constitutes lodging and meals.
***Enter Committee totals on the last page of the report only.

12. REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL—COMMITTEES

Federal law requires (see 22 U.S.C. 1754(b)) that chairmen of committees which have performed travel outside the United States prepare consolidated reports regarding the amounts expended for foreign travel. The reports shall be due within sixty days after the beginning of each regular session of Congress and shall include foreign travel expenditures for the preceding calendar year. The reports should itemize all expenditures, including per diem, transportation and other purposes, giving the dollar equivalent of foreign currency expenditures. The reports will be filed with the Committee on House Administration and shall be open to public inspection.

Page 1 of 1

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL

Committee on ABC, U.S. House of Representatives

EXPENDED BETWEEN JANUARY 1, AND DECEMBER 31, 19

NAME OF MEMBER OR EMPLOYEE	DATE		COUNTRY	PER DIEM (1)		TRANSPORTATION		OTHER PURPOSES		TOTAL	
	ARRIVAL	DEPARTURE		FOREIGN CURRENCY	U.S. DOLLAR EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	U.S. DOLLAR EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	U.S. DOLLAR EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	U.S. DOLLAR EQUIVALENT OR U.S. CURRENCY
Oliver Holmes, MC			United Kingdom	231.27	525.00					231.27	525.00
			Norway	368.20	75.00					368.20	75.00
			Denmark	884.96	150.00		927,00			884.96	1077.00
Sam Douglas, Staff			United Kingdom	231.27	525.00					231.27	525.00
			Norway	368.20	75.00					368.20	75.00
			Denmark	884.96	150.00		927,00			884.96	1077.00
James Sprouse, Staff			United Kingdom	231.27	525.00					231.27	525.00
			Norway	368.20	75.00					368.20	75.00
			Denmark	884.96	150.00		927,00			884.96	1077.00
Thurgood Marshall, Staff			United Kingdom	231.27	525.00					231.27	525.00
			Norway	368.20	75.00					368.20	75.00
			Denmark	884.96	150.00		927.00			884.96	1077.00
Group Transportation			United Kingdom			88.10	200.00			88.10	200.00
			COMMITTEE TOTALS***	xxxxxxxx	3000.00	xxxxxxxx	2008.00	xxxxxxxx		xxxxxxxx	6908.00

RECAPITULATION	AMOUNT
Foreign currency (U.S. $ equivalent)	$3200
Appropriated funds:	
H. Res.	
Other	
Government Department: (identify each)	
Defense	3708
TOTAL	$6908

Signed: John Hancock

Committee on ABC

Date: September 19, 19 7

*If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

**Per diem constitutes lodging and meals.

***Enter committee totals on the last page of the report only.

13. REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL—INDIVIDUALS

The Rules of the House of Representatives (see Rule XI 2(n)) require that each Member or employee who performs official foreign travel, report to the Chairman of the Committee under whose authority the travel was performed. Members and employees shall list the number of days spent in each country where local currencies were spent, amount of per diem, and the cost of transportation. Such reports shall be filed within 60 days after completion of travel with the chairman of the authorizing committee in order to facilitate compliance requirements of applicable Federal law.

INDIVIDUAL REPORT ON COMMITTEE TRAVEL

Report of Individual: Honorable Oliver Holmes,

Committee on ABC, **U.S. House of Representatives**

COUNTRY	NAME OF CURRENCY	DATE			PER DIEM		TRANSPORTATION	
		ARRIVAL	DEPARTURE	TOTAL DAYS	FOREIGN CURRENCY	*$ U.S. EQUIVALENT OR U.S. CURRENCY	FOREIGN CURRENCY	*$ U.S. EQUIVALENT OR U.S. CURRENCY
United Kingdom	Pounds	6/26/7_	7/3/7_	7	231.27	525.		200.
Norway	Kroner	7/1/7_	7/2/7_	1	368.20	75.		
Airline Ticket purchased in DM								1331.
TOTAL	XXXXXXXX	XXXXXXXX	XXXXXXXX	XXXXXXXXX	600.	XXXXXXXXX	1531.	

*If foreign currency is used, enter U.S. $ equivalent; if U.S. currency is used, enter amount expended.

Signed: Honorable Oliver Holmes

Committee on ABC

Date: February 10, 197_

G. CONTRACTS FOR CONSULTANT SERVICES

1. Under Section 303 of the Legislative Reorganization Act of 1970 (2 U.S.C. 72a) each standing committee of the House is authorized, with the approval of the Committee on House Administration, to obtain the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations to make studies or advise the committee with respect to any matter within its jurisdiction.

2. Committee funding resolutions shall specify the maximum amounts which may be used for such purposes.

3. Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee. The contracts are not subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

4. When interpreting Section 303 of Public Law 91–510, the following guidelines were approved by the Committee on House Administration and are to be followed:

a. Each contract must be approved by a majority of the members of the Committee;

b. The services to be performed must be temporary (not to exceed one year) or intermittent;

c. The purpose of the contract must be to "make studies or advise the Committee with respect to any matter within its jurisdiction:"

d. The consultant is to act as an independent contractor and not as an employee of the Committee. Accordingly, if any proposed contract submitted to the Committee on House Administration provides for services which are the *regular and normal duties of staff employees, the Committee will have no option but to disapprove the contract;*

e. If an individual consultant is to be paid for services rendered at a daily rate, then such daily rate shall not exceed the highest gross rate of annual compensation which may be paid to a regular employee of the Committee divided by 360, plus authorized traveling expenses.

f. If the consultant is an individual who will be receiving Federal retirement benefits during the term of the contract, then the sum of all consultant contracts for that calendar year, when added to the annual Federal retirement benefits for that year, and where applicable, the sum of any Federal salary and/or wages for that year, may not exceed the highest gross rate of annual compensation which may be paid to a regular employee of the Committee.

g. At the conclusion of the term of the contract, the Chairman of the standing committee shall submit a report of the services performed by the consultant to the Committee on House Administration.

h. All proposed contracts should be submitted to the Committee on House Administration with *five* copies of:

(1) Letter from the Chairman of the Committee desiring contractual services explaining the need for the contract, how the payment figure was reached, the period of service, and that the proposed contract has been approved by the majority of the Committee;

(2) Proposed contract; and

(3) Résumé of proposed consultant, including, but not limited to, details of any and all prior Federal service either as an employee or pursuant to a consultant contract with any Committee of the U.S. Congress.

i. No services pursuant to any consultant contract shall commence prior to approval by the Chairman of the Committee on House Administration.

5. The Committee on House Administration will make available for public inspection upon request a py of the qualifications of each consultant.

6. Contract forms may be obtained from the Committee on House Administration.

CONTRACT AGREEMENT

THIS AGREEMENT is made and entered into this 8th day of June, 197, by and between the Committee on ABC of the U.S. House of Representatives, hereinafter referred to as the Committee, and

Dr. Robert E. Smith,
(Name of contractor)

hereinafter referred to as the Contractor, subject to the approval of this Agreement by the Committee on House Administration of the U.S. House of Representatives.

It is hereby agreed that the Committee under authority of House Resolution ______, approved March 16, 197, 95th, Congress, retain the Contractor to render the following services: To organize the unpublished hearings of the Committee for the period 1945 to 1974 and edit and prepare summaries for use by the Committee in framing legislation to establish a new foreign policy for the U.S. Will consult from time to time with the Chairman and members of the Committee to provide advice on legislation based on Dr. Smith's extensive background in foreign affairs as a Professor of International Relations at Columbia University.

It is understood, however, that the Chairman of the Committee, reserves the right to terminate this Agreement at any time. In such cases, the payment shall be based upon work performed.

The Committee further agrees to pay the said Contractor for all such contractual services rendered, a sum not to exceed $15,000, plus, authorized traveling expenses. It is further agreed that payment for such contractual services may be paid on a partial basis from time to time and in such amounts as the Chairman of the Committee may approve.

The Contractor further agrees and warrants that it:

1. Has not employed any person to solicit or obtain this Agreement for any commission, percentage, brokerage, or contingent fee;
2. Will save the Government harmless from liability in performance;
3. Will release no information obtained in carrying out the provisions of the Contract without prior consent of the contracting Committee;
4. Will not subcontract or assign elsewhere any of the work or service involved without prior consent of the contracting Committee; and
5. Will not discriminate in its performance of this Agreement because of race, creed, color, sex, or national origin and shall comply with all laws appertaining to the compensation for labor.

The Contractor further agrees and warrants that it will fully complete its services to the Committee hereunder not later than the 31st day of December, 197, unless said date shall be extended by mutual agreement of the parties to this Agreement with the approval of the said Committee on House Administration.

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part in this Contract or to any benefit that may arise therefrom.

Approved by the Committee on House Administration of the U.S. House of Representatives:

Frank Thompson, Jr. *Chairman*

Dated: June 28, 197

[CORPORATE SEAL]

Committee on ABC
Chairman John O. Brown, M.C.

Fred L. Smith, M.C.
Ranking Minority Member

Dr. Robert E. Smith
Contractor (Individual or Partnership)

Department of International Relations
(Address)

Columbia University, New York, NY 10073
(Address)

______
Contractor (Corporation)

______
(Business Address)

By: ______

______
(Title)

(To be submitted in quintuplicate to the Committee on House Administration)

(See instructions on the reverse side.)

H. SPECIALIZED TRAINING

1. Section 304 of the Legislative Reorganization Act of 1970 (2 U.S.C. 72a(j)) states that each standing committee of the House is authorized, with the approval of the Committee on House Administration, to provide assistance to members of its professional staff in obtaining specialized training, whenever that committee determines that such training will aid the committee in the discharge of its responsibilities.

2. Committee funding resolutions shall specify the maximum amounts which may be used for such purposes.

3. Such assistance may be in the form of continuance of pay during periods or training or grants of funds to pay tuition fees, or such other expenses of training, or both as may be approved by the Committee on House Administration.

4. A letter from the Chairman of the Committee desiring to provide the assistance should be submitted to the Committee on House Administration explaining the need for the specialized training, the cost, the period involved, and other information relating to the proposed training assistance of the professional staff member involved.

I. PERSONNEL DETAILED FROM GOVERNMENT DEPARTMENTS

1. Under 2 U.S.C. 72a(f) experts and other personnel may be acquired by committees of the House of Representatives on loan from Government departments or agencies, with the prior written permission of the Committee on House Administration.

2. The agreement with the Government department furnishing the personnel should include estimated period of assignment and terms of reimbursement, if any to the department for the individual's salary and travel expense.

3. For the convenience of the committees of the House of Representatives, the Committee on House Administration has entered into an agreement with the Librarian of Congress under which Library personnel (experts in their respective fields) may be loaned to committees of the House by the Congressional Research Service for a maximum period of 2 months without expense to the committee. If the services of such personnel are retained longer than 2 months, the Library of Congress will be reimbursed from the committee's funds for the employee's salary for such time as he is employed by the committee.

J. WITNESSES

1. Payment of expenses for witnesses is an extraordinary measure. Reimbursement is not made to all witnesses. Payment will be made only when a hardship or special circumstances exist, and the chairman of the committee specifically authorizes the payment.

2. Reimbursement to witnesses for costs of transportation to the place of examination (when authorized) shall be made in accordance with the rates and regulations established for Members and employees of the House.

3. Per diem (when authorized), shall be at the same rate established for Members and employees of the House.

K. STENOGRAPHIC REPORTING OF COMMITTEE HEARINGS

1. GENERAL

a. When hearings are scheduled by any standing, special, or select committee of the House, a request for stenographic reporting services should be made through the office of the Official Reporters to House Committees.

b. The Official Reporters to House Committees are authorized to report hearings conducted by committees of the House on legislation and other matters relating to subjects assigned to that committee's jurisdiction under Rule X of the Rules of the House of Representatives. However, when the services of the Official Reporters to House Committees are not available, arrangements will be made through the clerk to the Official Reporters to House Committees to secure the reporting services of a commercial reporting firm.

c. In securing reporting services for hearings outside the District of Columbia, consideration should be given to the feasibility of securing the services of reporters at the location of the hearing thereby saving the cost of transporting a reporter from Washington, D.C. The General Services Administration has established a central booking office which will provide reporters for any hearings outside Washington, D.C. This office may be contacted at 557–8570. A committee may, however, secure the services of either the Official Reporters to House Committees or reliable commercial reporters in Washington, D.C. When Official Reporters to House Committees travel to hearings outside the District of Columbia, their travel expenses will be paid from the committee requesting funds.

2. SCHEDULE OF RATES

The following rates are authorized for an original and two copies or less, daily transcripts, of committee hearings of the House of Representatives and apply to services performed in the District of Columbia or any other location in the United States where hearings are held.

a. *Ordinary Copy.*—Transcripts are to be delivered within five days of the day of reporting—

(1) $3.05 per page for the stenographic reporting of committee hearings when the sale of transcripts is permitted.

(2) $3.45 per page for the stenographic reporting of committee hearings when the sale of transcripts is not permitted. When such rate is charged, the voucher should clearly indicate on its face that sales of transcripts are prohibited.

b. *Daily Copy.*—Transcripts are delivered to the committee on the day following each hearing or meeting—

(1) $4.10 per page for the stenographic reporting of committee hearings when the sale of transcripts is permitted.

(2) $4.50 per page for the stenographic reporting of committee hearings when the sale of transcripts is not permitted. When such rate is charged, the voucher should clearly indicate on its face that sales of the transcripts are prohibited.

Daily Copy must be specifically requested by the chairman of the initiating committee. All transcripts transmitted to the Committee on House Administration for computation must be signed by an authorized individual of the initiating committee, indicating whether ordinary or daily charges are to be applied.

c. *Copied in material (typed).*—One-half of the above rates is allowed when a copy is given to the commercial reporter by the chairman of a committee to be typed at a later time and inserted into the transcript of the hearing. These pages must be clearly designated in the transcript by drawing a diagonal line (/) through each page of copy.

d. *Reproduced material.*—15¢ per page is allowed for copy given to commercial reporters to be reproduced only and inserted into the transcripts. Each reproduced page is considered a full page regardless of line count. These pages must be clearly designated by placing an X through all reproduced copy. No charge is allowed for material inserted into transcripts which is not copied or otherwise reproduced by the commercial reporter.

e. *Reporting outside the District of Columbia.*—Reporting services performed outside the District of Columbia must be performed at the above-prescribed rates, or at a cost not to exceed the prescribed rates plus the travel expenses of sending a reporter from the District of Columbia.

f. No "attendance fee" or "cancellation fee" will be approved for payment in connection with any hearing conducted by a committee of the House of Representatives either in or outside Washington.

g. Any unusual problem arising in connection with the reporting of committee hearings in the House of Representatives should be referred to the Committee on House Administration.

3. ADDITIONAL COPIES OF TRANSCRIPTS

Prior approval of the Committee on House Administration must be secured if more than an original and two copies of stenographic transcripts of committee hearings are required. A rate of 15 cents per page will be paid for authorized additional copies in excess of the two copies provided with the original.

4. PAGE SPECIFICATIONS

a. *Size of page.*—All transcripts shall be typed on white paper of good quality, size 8½ x 11 inches. Pages are to have imprinted marginal lines 1¾ inches at the left and three-eighths of an inch at the right.

b. *Number of lines to page.*—The basis of payment shall be a page containing 25 numbered full lines of typewriting to the page, double spacing between lines.

c. *"Contents".*—The "Contents" will be considered a full page if it includes page numbers and is a true index. Merely a list of witnesses without the page numbers shall not be considered a page.

d. *Numbering pages in transcript.*—The paging of the transcript shall be in a single series of consecutive numbers excluding the "Contents." The first page of the transcript will be considered a full page provided the testimony immediately follows the introduction.

e. *Length of lines.*—On all pages the typewriting must be as close as possible to the margin at the left of the page, and shall extend as nearly as possible to the opposite margin, words to be properly hyphenated when necessary. Paragraph indentations may not exceed five spaces. Where lines are short because of context, they shall be considered full lines.

f. *Binding of transcript.*—The entire record shall be securely bound in heavy paper of good quality, continuing the established practice in the House of Representatives, unless a particular committee expressly states that no covers are to be provided.

5. PREPARATION OF VOUCHERS

a. Each voucher shall be accompanied by a computation showing the first and last page numbers, "Contents," if any, total gross pages, and three listing as follows:

(1) Incomplete pages reported, page numbers, and number of lines;
(2) Pages of copied-in matter, full page numbers, incomplete page numbers, and number of lines;
(3) Number of pages reproduced inserted material (not including original).

b. A computation sheet shall be required on each transcript, but two or more computation sheets may be summarized and included in a single voucher. The number-of-lines columns will be totaled and converted to 25-line pages. Any fraction remaining will be dropped.

c. The total pages reported (combined full and converted incomplete pages) will be brought forward to the voucher and extended at the unit price. The total pages of copied-in matter (combined full and converted incomplete pages) will be brought forward to the voucher and extended at the unit price.

d. Any transcript that is classified under provisions of Executive Order 11652 as "Top Secret," "Secret," or "confidential" or for any other reason is not submitted for page verification, must be billed on separate vouchers.

e. Vouchers should be submitted two days after the hearing or as soon as possible thereafter.

6. PAYMENT OF VOUCHERS

a. Vouchers, computation sheets, and transcripts of the hearings will be sent directly from the commercial reporting firm to the committee which utilized the services.

b. The committee will review the vouchers for the accuracy of the description of the services rendered and rates charged in accordance with regulations set forth by the Committee on House Administration.

c. Upon approval, the committee will send the original and two copies of the voucher to the Finance Office and a copy of the voucher, work sheet, and one copy of the transcript to the Committee on House Administration.

d. The Committee on House Administration will audit the vouchers including a verification of the page count and rates charged.

e. Adjustments will be made if necessary on the original vouchers as they pass through the Committee on House Administration for final approval. Such adjustments will be recorded on a copy of the voucher which will be returned to the initiating committee for its record.

f. Commercial reporters may file supplemental vouchers to reclaim amounts disallowed by the Committee on House Administration if additional information is produced to adequately support the claim.

L. STATIONERY SUPPLIES

1. Stationery supplies for committees of the House will be furnished only upon requisition signed by the chairman of the committee requesting such supplies, who shall certify that the material is for the exclusive official use of the committee for which it is ordered. Requisition forms may be obtained from the Committee on House Administration, and must be submitted in duplicate.

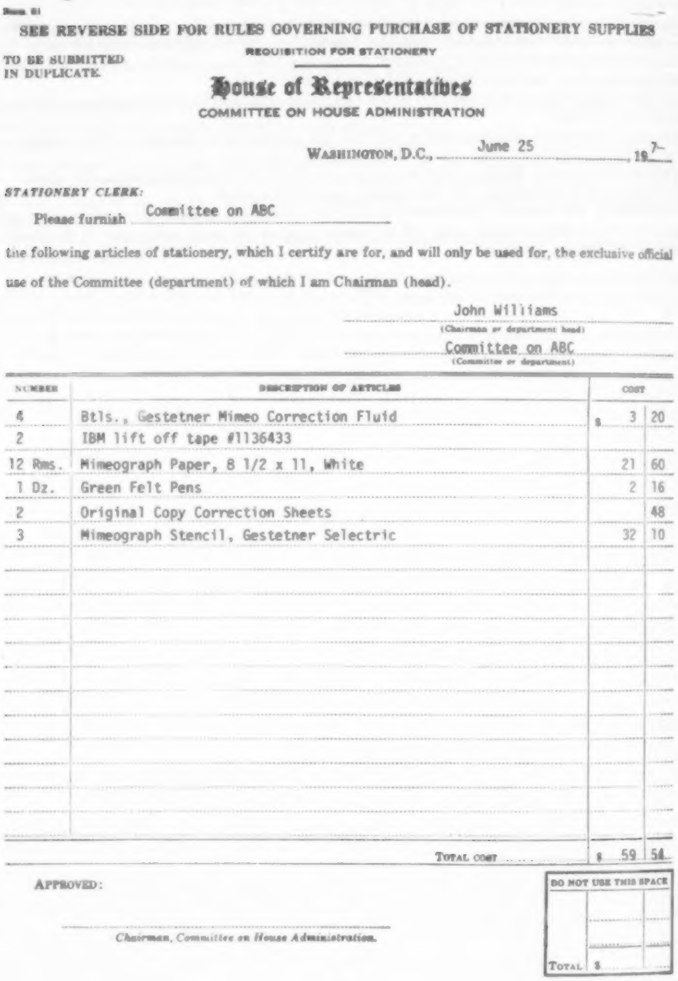
2. The cost of all items must be included in the requisition submitted to the Committee on House Administration for approval.

3. The cost of stationery supplies, used in carrying out the legislative functions of the standing committees of the House, will be charged against the contingent fund.

4. The cost of stationery supplies, used for the conduct of studies and investigations for which funds have been authorized by the House, will be charged against such funds.

5. The printing and purchase of business cards is permissible for no more than two employees of a committee. The cost of such business cards will be charged against the funds authorized by the House for the conduct of studies and investigations.

Requisition for Stationery—Legislative Functions



Form 61

SEE REVERSE SIDE FOR RULES GOVERNING PURCHASE OF STATIONERY SUPPLIES

REQUISITION FOR STATIONERY

TO BE SUBMITTED
IN DUPLICATE.

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

WASHINGTON, D.C., June 25, 197-

STATIONERY CLERK:

Please furnish Committee on ABC

the following articles of stationery, which I certify are for, and will only be used for, the exclusive official use of the Committee (department) of which I am Chairman (head).

John Williams
(Chairman or department head)

Committee on ABC
(Committee or department)

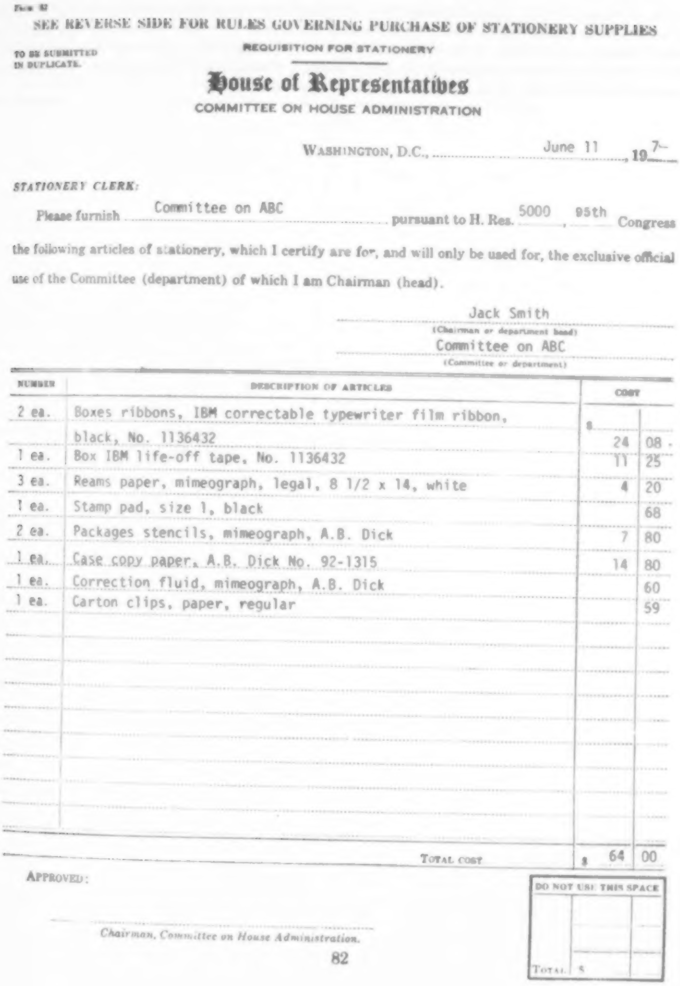
NUMBER	DESCRIPTION OF ARTICLES	COST	
4	Btls., Gestetner Mimeo Correction Fluid	$ 3	20
2	IBM lift off tape #1136433		
12 Rms.	Mimeograph Paper, 8 1/2 x 11, White	21	60
1 Dz.	Green Felt Pens	2	16
2	Original Copy Correction Sheets		48
3	Mimeograph Stencil, Gestetner Selectric	32	10
	TOTAL COST	$ 59	54

APPROVED:

Chairman, Committee on House Administration.

DO NOT USE THIS SPACE		
TOTAL	$	

Requisition for Stationery—Studies and Investigations



Form 82

SEE REVERSE SIDE FOR RULES GOVERNING PURCHASE OF STATIONERY SUPPLIES

REQUISITION FOR STATIONERY

TO BE SUBMITTED
IN DUPLICATE.

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

WASHINGTON, D.C., June 11, 197-

STATIONERY CLERK:

Please furnish Committee on ABC pursuant to H. Res. 5000, 95th Congress the following articles of stationery, which I certify are for, and will only be used for, the exclusive official use of the Committee (department) of which I am Chairman (head).

Jack Smith
(Chairman or department head)

Committee on ABC
(Committee or department)

NUMBER	DESCRIPTION OF ARTICLES	COST	
2 ea.	Boxes ribbons, IBM correctable typewriter film ribbon, black, No. 1136432	$ 24	08
1 ea.	Box IBM life-off tape, No. 1136432	11	25
3 ea.	Reams paper, mimeograph, legal, 8 1/2 x 14, white	4	20
1 ea.	Stamp pad, size 1, black		68
2 ea.	Packages stencils, mimeograph, A.B. Dick	7	80
1 ea.	Case copy paper, A.B. Dick No. 92-1315	14	80
1 ea.	Correction fluid, mimeograph, A.B. Dick		60
1 ea.	Carton clips, paper, regular		59
	TOTAL COST	$ 64	00

APPROVED:

Chairman, Committee on House Administration.

DO NOT USE THIS SPACE		
TOTAL	$	

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M. TELEGAPH SERVICES

1. The cost of official telegraph service, used in carrying out the legislative functions of standing committees of the House, will be charged against the contingent fund. Invoices should be forwarded to the Committee on House Administration with a letter stating the month in which the service was received, the amount of that service, and that the service was in support of the legislative functions of the committee.

2. The cost of telegraph service relating to the conduct of studies and investigations for which funds have been authorized by the House, will be charged against such funds.

N. LONG-DISTANCE TELEPHONE SERVICE

1. The cost of long-distance telephone service, used in carrying out the legislative functions of the standing committees of the House, will be charged against the contingent fund. Invoices should be forwarded to the Committee on House Administration with a letter stating the month in which the service was received, the amount of that service, and that the service was in support of the legislative functions of the committee.

2. The cost of long-distance telephone services used in connection with studies and investigations for which funds have been authorized by the House, will be charged against such funds.

O. POSTAGE

The Clerk of the House of Representatives will, upon written request, procure and furnish standing committees, each regular session of Congress, U.S. airmail and special delivery postage stamps in an amount not to exceed $1.00 and postage stamps in an amount not to exceed $130.00. If a committee has postage requirements relative to the conduct of studies and investigations for which funds have been authorized, such postage may be procured with such funds.

P. OFFICE EQUIPMENT

1. Committees will be provided equipment consistent with individual needs based on personnel, workload, and other factors.

2. Requests for the purchase or lease of equipment should be addressed to the Committee on House Administration, should describe the type of equipment desired, and should include a statement justifying the purchase of new equipment. Upon approval, the Committee on House Administration will authorize the Clerk of the House to purchase the equipment.

3. At the beginning of each session of Congress, the Clerk will send a list (in duplicate) to each committee, or office of the House, showing assigned equipment. Each Chairman of a committee or top official of an office, will return one copy to the Clerk certifying that the items are in the committee offices. If the certification is not received within 30 days the Clerk will conduct a physical inventory of the equipment so charged.

4. When a committee Chairman has been defeated in an election, or otherwise leaves office, the Clerk will conduct an immediate physical inventory of the equipment assigned to that committee. In any periods during which a vacancy exists in a committee chairmanship or House office, the staff employee in charge of operations in the vacated office is responsible for the assigned equipment.

5. In the event of the change of the majority in the House, there shall be an immediate physical inventory of the offices affected.

6. The removal of office equipment, other than dictating equipment, from its assigned Washington office, is prohibited except for repairs by authorized dealers. Interoffice moves of equipment will be accomplished only by the Office Equipment Service, Office of the Clerk.

7. When, through inventory or other means, it is determined that an item of equipment is damaged or ost, the Chairman should inform the Clerk of the House by letter, explaining the circumstances surrounding he loss of the item, or if damaged, how such damages occurred. Upon receipt of this letter, the Clerk will rder an investigation of the occurrence in an effort to locate the missing item or items and ascertain the ircumstances surrounding the loss or damage. At the completion of the investigation, the Clerk will send o the Committee on House Administration a copy of the letter, a copy of the investigation report (including n objective statement as to the cause of the loss or damage) and a letter indicating the value of the item t the time it was discovered missing, or if damaged, the extent of the damage, the result of his investigation, nd his action to dispose of the case.

8. If it is determined that the Chairman or responsible official is liable he or she will be charged with the SA established trade-in value or the depreciated book value of the item, whichever is higher. Liability ill be determined on the facts supporting each case. In cases involving the loss of or damage to an item hile the equipment is outside the assigned office, the Chairman or responsible official will be held liable.

9. The Clerk's decision as to liability shall be final and binding unless, within 30 days, the Chairman or sponsible official requests a hearing before the Committee on House Administration.

10. Payment of a charge levied against a Chairman or responsible official must be made within 30 days the date of final decision. If a charge is made against a Chairman or responsible official leaving the House yroll for any reason, payment will be deducted from his final paycheck.

11. The equipment will be dropped from the inventory and limitation records when payment is made or en the Chairman or responsible official is absolved of liability by the Committee on House Administration.

pages tightly bound

best copy available

PART III. REGULATIONS PERTAINING TO MEMBERS

The allowances set forth in Part III are to be used in discharging a Member's official and representational duties. These allowances shall be available from noon on January 3 of one year until immediately prior to noon on January 3 of the following year. Services whose billing periods extends over January 3 will be paid from the allowances that become available after noon on January 3 for the new year. All allowances are to be used only for expenses incurred in the United States, its territories and its possessions. "Member" as used in these Regulations means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives. Each Member is personally responsible for the payment of any costs or expenses incurred in support of official and representational duties which exceed the provided allowance.

A. CLERK HIRE ALLOWANCE

1. Official appointments of all persons employed must be:

(*a*) executed and signed by the Member; and

(*b*) filed with the House Finance Office. (See sample Payroll Authorization Form, page 90.)

2. (*a*) The Clerk of the House of Representatives shall disburse salary payments to employees only upon a monthly certification by each Member as to the amount of said salary, the physical location of each employee, the regular performance of official duties, and the relationship of each employee to any current Member of Congress. The following are the relationships to be included in the certification:

father
mother
son
daughter
brother
sister
uncle
aunt
first cousin
nephew
niece
husband
wife
father-in-law
mother-in-law
son-in-law
daughter-in-law
brother-in-law
sister-in-law
stepfather
stepmother
stepbrother
stepsister
stepson
stepdaughter
half-brother
half-sister

(See sample Relationship Certification Form, page 106.)

(*b*) The Clerk is authorized to disburse salary payments for no more than one pay period based upon the certification for the preceding period when the current certification is not available. (See sample Payroll Certification Form, p. 91.)

(*c*) Where an individual employee is assigned to and performs official duties for two or more employment sources within the House, and the salary of such employee is allocated between the respective employment sources, then each employment source shall certify only as to the official duties performed for and the allocable portion of the salary chargeable to such employment sources.

3. A Member is prohibited by law from employing relatives. Persons with the relationship to a Member described in 2(a) above, may not be hired by that Member and paid with money from the Treasury of the United States. (See 5 U.S.C. § 3110, p. 137.)

4. "A Member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin." (Rule XLIII, paragraph 9, Rules of the House of Representatives).

5. (*a*) Each Member shall be entitled to an annual clerk-hire allowance of $273,132 for not to exceed 18 clerks.

(*b*) Employees' salaries are fixed at annual rates of no less than $1,200 or in excess of $47,500.

(*c*) No person shall be paid from any clerk-hire allowance if such person does not perform the services for which he receives such compensation in the offices of the Member in Washington, D.C., or in the State or district which such Member represents. (Offices are defined as locations where such persons perform services directly related to the discharge of the official and representative duties of a Member.)

(*d*) The total of the salary payments to a Member's employees for each monthly pay period out of the clerk hire allowance, shall not exceed one-twelfth of the single per annum gross rate, or $22,761.

(*e*) Employees should not be employed for a period of less than a month.

(*f*) Employees removed from a position within 30 days of employment cannot be re-employed by the same Member for 6 months.

(*g*) Successor to employees removed within 30 days of employment cannot be hired until 30 days after the date of employment of the removed employee.

(*h*) The Clerk Hire Allowance is provided for the employment of permanent, full-time employees and shall not be used for employment of temporary or contract service personnel.

6. Each Member may hire for any 2 months in any 1 year, one additional employee to be known as a "Lyndon Baines Johnson Congressional Intern". Each such intern shall be a teacher in government or social studies or a student and certified as such to the Clerk of the House. The intern must perform the duties of his employment in the Washington, D.C. office and not in the district office. The salary is established at the total gross sum of $1,280 for the 2 month period payable at the rate of not to exceed $640 per month. No more than one intern may be employed at any time and no more than two may be employed during the 2 month period. The employment of an intern will not affect the clerk-hire allowance nor the maximum number of employees. If the intern is a student, he must have been, during the academic year immediately preceding his employment, a bona fide student at a college, university, or similar institution of higher learning. If the intern is a teacher, he must have been, in the year immediately preceding his employment, a bona fide teacher in government or social studies at a secondary school or a post secondary school.

7. When a Member employs a Federal annuitant who is receiving an annuity from the Civil Service Retirement Fund, the amount of the annuity, when added to the amount received from the clerk-hire allowance, cannot exceed the per annum rate equivalent to the highest per annum rate of basic pay, as in effect from time to time, authorized for Level V of the Executive Schedule. The combined total of the annuity and the amount received from the clerk-hire allowance will be charged against the Member's clerk-hire allowance except that annuitants employed on or before September 21, 1977 shall be exempt from the provisions of this sentence.

8. (*a*) Leave without pay (LWOP) is an absence without pay which is approved in response to an application initiated by an employee.

(*b*) The approval of LWOP is a matter of administrative discretion, and approval is usually given only when an employee demonstrates a genuine need to be absent from his official duties. Such requests should not be approved unless the employee's total employment record justifies favorable action.

(*c*) As a basic condition to approval of LWOP, there should be reasonable assurance that the employee will return to duty at the end of the approved period and that the office will benefit in some measure from the absence. It should be apparent that at least one of the following benefits should result: increased job ability, retention of a desirable employee, protection or improvement of employee's health, or furtherance of a program of interest to the office. LWOP will not be authorized for any period in excess of 3 months, without the prior written approval of the Committee on House Administration for good cause shown, but in no case shall the period of LWOP exceed one year.

(*d*) LWOP should be requested in advance of the period of absence. The employee then files with the Clerk of the House a Payroll Authorization Form, checking the appropriate box, and specifying the date upon which the LWOP status is to be terminated, not to exceed 3 months. No person may be in a LWOP status more than once during any Congress, without the prior written approval of the Committee on House Administration for good cause shown. (See sample Payroll Authorization Form, page 92.)

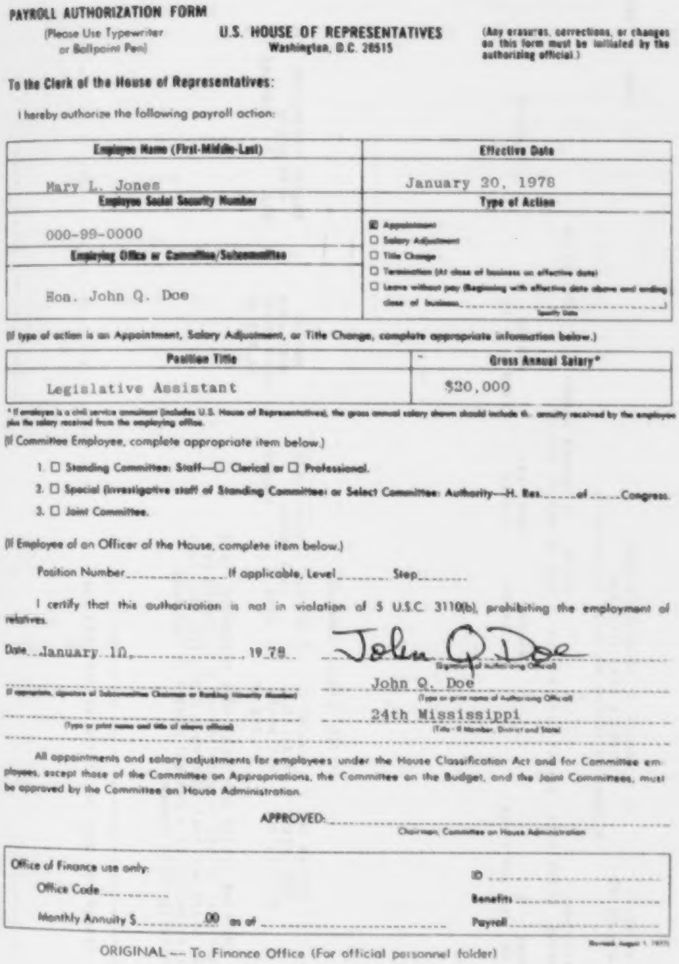
(*e*) Health benefits enrollment and coverage continue without premium to the employee or employer for up to 365 days.

(*f*) Life insurance continues for up to 12 months, without contribution.

(*g*) Retirement continues without contribution. Up to six months in a calendar year is credited for service in annuity computation.

(*h*) When a clerk-hire employee is placed in a LWOP status, he/she continues to occupy a position as an employee under that Member's entitlement.

9. Appointment forms and the other necessary papers to be executed by each clerk-hire or intern employee may be obtained from the House Finance Office, Room 263 Cannon Building.



PAYROLL AUTHORIZATION FORM

(Please Use Typewriter
or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	**Effective Date**
Mary L. Jones	January 20, 1978
Employee Social Security Number	**Type of Action**
000-99-0000	☒ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☐ Leave without pay (Beginning with effective date above and ending close of business_______________) Specify Date
Employing Office or Committee/Subcommittee	
Hon. John Q. Doe	

(If type of action is an Appointment, Salary Adjustment, or Title Change, complete appropriate information below.)

Position Title	**Gross Annual Salary***
Legislative Assistant	$20,000

* If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☐ Special (investigative staff of Standing Committee) or Select Committee: Authority—H. Res._____of_____Congress.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number_______________If applicable, Level_______ Step________

I certify that this authorization is not in violation of 5 U.S.C. 3110(b), prohibiting the employment of relatives.

Date January 10, 19 78

John Q Doe
(Signature of Authorizing Official)

____
(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member)

John Q. Doe
(Type or print name of Authorizing Official)

____
(Type or print name and title of above official)

24th Mississippi
(Title - If Member, District and State)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED:______________________________
Chairman, Committee on House Administration

Office of Finance use only:	ID____________________
Office Code__________	Benefits____________________
Monthly Annuity $__________.00 as of ____________________	Payroll____________________

Revised August 1, 1977)

ORIGINAL — To Finance Office (For official personnel folder)

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DATE      10/07/77        U. S. HOUSE OF REPRESENTATIVES                                                        PAGE     263
REPORT ID D01.00.00            PAYROLL CERTIFICATION
                         ACCOUNTING PERIOD 09/01/77 TO 09/30/77

OFFICE  24100 HON.                                 MA 02   ALLOWANCE AMOUNT        255.144.00
TYPE ALLOWANCE  CLERK HIRE  SALARY LIMITS: MIN  1.200.00 MAX 47.500.00

SOC SEC NUM       EMPLOYEE NAME                                ANNUAL      GROSS PAY          PERIOD                      REMARKS
                   POSITION NO. AND JOB TITLE                   SALARY      EARNED       FROM       TO

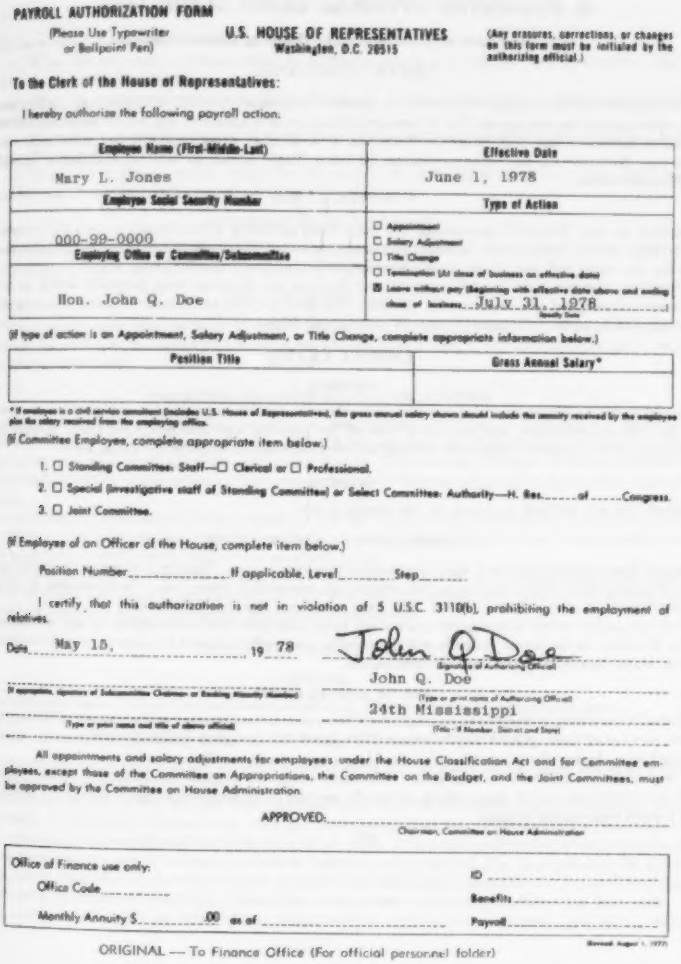



                                      OFFICE PAYROLL SUMMARY

                         NUMBER OF      AMOUNT        PAYROLL EXPENDITURES          AMOUNT           SALARY PROJECTION
                         EMPLOYEES     AVAILABLE          THIS MONTH               AVAILABLE             NEXT MONTH
                         PAID/ACTIVE   THIS MONTH     USED          UNUSED         NEXT MONTH       USED             UNUSED
                  CLERK HIRE             21.262.00                                 21.262.00

TRANSFERS         I CERTIFY THAT THE LISTED EMPLOYEES HAVE PERFORMED THEIR
  OUT             ASSIGNED OFFICIAL DUTIES IN WASHINGTON, D.C. AND/OR MY
                  DISTRICT OR STATE AND THAT THEY HAVE CERTIFIED THAT THEY
                  HAVE NO RELATIONSHIP TO A CURRENT MEMBER OF CONGRESS
                  UNLESS OTHERWISE NOTED HEREON.


                  ---------------------------------------------------------
                  COMMENTS: (EXCEPTION MUST BE LISTED WITHIN THIS BOX)...........................................................
```



PAYROLL AUTHORIZATION FORM

(Please Use Typewriter
or Ballpoint Pen)

U.S. HOUSE OF REPRESENTATIVES
Washington, D.C. 20515

(Any erasures, corrections, or changes on this form must be initialed by the authorizing official.)

To the Clerk of the House of Representatives:

I hereby authorize the following payroll action:

Employee Name (First-Middle-Last)	**Effective Date**
Mary L. Jones	June 1, 1978
Employee Social Security Number	**Type of Action**
000-99-0000	☐ Appointment ☐ Salary Adjustment ☐ Title Change ☐ Termination (At close of business on effective date) ☒ Leave without pay (Beginning with effective date above and ending close of business July 31, 1978 (Specify Date))
Employing Office or Committee/Subcommittee	
Hon. John Q. Doe	

(If type of action is an Appointment, Salary Adjustment, or Title Change, complete appropriate information below.)

Position Title	**Gross Annual Salary***

* If employee is a civil service annuitant (includes U.S. House of Representatives), the gross annual salary shown should include the annuity received by the employee plus the salary received from the employing office.

(If Committee Employee, complete appropriate item below.)

1. ☐ Standing Committee: Staff—☐ Clerical or ☐ Professional.
2. ☐ Special (Investigative staff of Standing Committee) or Select Committee: Authority—H. Res._____of _____Congress.
3. ☐ Joint Committee.

(If Employee of an Officer of the House, complete item below.)

Position Number______________If applicable, Level________Step________

I certify that this authorization is not in violation of 5 U.S.C. 3110(b), prohibiting the employment of relatives.

Date May 15, 19 78

John Q Doe
(Signature of Authorizing Official)

John Q. Doe
(Type or print name of Authorizing Official)

24th Mississippi
(Title - If Member, District and State)

____
(If appropriate, signature of Subcommittee Chairman or Ranking Minority Member)

____
(Type or print name and title of above official)

All appointments and salary adjustments for employees under the House Classification Act and for Committee employees, except those of the Committee on Appropriations, the Committee on the Budget, and the Joint Committees, must be approved by the Committee on House Administration.

APPROVED:____________________
Chairman, Committee on House Administration

Office of Finance use only:
Office Code__________
Monthly Annuity $_________.00 as of ________________
ID ________________
Benefits________________
Payroll________________

(Revised August 1, 1977)

ORIGINAL — To Finance Office (For official personnel folder)

B. SUGGESTED OPTIONAL LEAVE GUIDELINES

(For the offices of Members of the House of Representatives)

LEAVE GUIDELINES

These guidelines are intended to provide a constructive procedure which Members may use in administering a leave policy for employees. Use of these guidelines is not mandatory, and where used, such use is not intended to detract in any way from the discretion of a Member in establishing the terms under which persons may be employed, including provisions for leave. These guidelines may be modified, or expanded, as the Member sees fit.

CERTIFICATION

Implicit in each Member's appointing and pay-fixing authority is the discretion to employ persons to perform such official duties as the Member deems appropriate. Also implicit in such authority is the discretion to fix the terms and conditions of employment, including provisions for leave.

Therefore, in signing the monthly payroll certification, the Members may properly certify as to the performance of assigned official duties for periods when staff persons are in a leave status. No notation of such status need be made on the monthly payroll certification form.

ANNUAL LEAVE

GENERAL

Annual leave is an approved absence with pay which is provided to permit every employee a vacation period for rest and recreation, and periods of time off for personal and emergency purposes. Annual leave absences should be charged in minimum units of half-days against an employee's annual leave.

INTERNS

Interns are not entitled to accrue or use annual leave.

ACCUMULATION OF ANNUAL LEAVE

Annual leave which is not used may accumulate from year to year. There is, however, a limitation on the amount of annual leave which may be carried over to the succeeding leave year. On December 31 of each year, any balance of annual leave in excess of 30 days should not be carried forward.

There are no provisions to permit reimbursement to an employee upon termination for any accumulation of leave. However, to the extent possible and practicable, every effort should be made to consider such accumulation, when determining the date of termination.

USE OF ANNUAL LEAVE

Annual leave which is credited to an employee's leave record may be used at the request of the employee when the services of the employee may be reasonably spared. To the extent possible, employees are urged to use annual leave during those periods when the House is in recess or adjournment.

A request for annual leave must be made in advance, except in exigent circumstances. Where justified by such circumstances, annual leave which ordinarily accrues to an employee's credit during the remaining part of a leave year may be utilized.

SICK LEAVE

Sick leave which has accrued to an employee may be used:

a. When the employee is incapacitated by sickness, injury, or pregnancy and confinement (see the section on Maternity Leave);

b. When the employee receives a medical, dental, or optical examination, or treatment (including reasonable transit time);

c. When the employee is required to give care and attendance to a member of his immediate family who is afflicted with a contagious disease; or

d. When the employee would jeopardize the health of others by his presence at his duty assignment because of exposure to a contagious disease.

ACCUMULATION OF SICK LEAVE

Unused sick leave accumulates from month to month and from year to year, without any limitation on the total number of days which may be accumulated while in a pay status.

ADVANCE OF SICK LEAVE

Advances of sick leave may be made to employees in cases of serious incapacity, when required by the exigencies of the situation. Advances of sick leave should not be approved when the employee has a balance of annual leave to his credit.

REPORTING ABSENCES BECAUSE OF SICKNESS

Absence because of sickness should be reported as early as practicable on the first day of absence. This report should be made by the employee. In cases of extended absence, the employer must be kept reasonably informed of the probable duration of the employee's absence. Whenever an employee plans to be absent for medical, dental, or optical examination or treatment, he should obtain his employer's approval in advance of the absence.

In considering requests for sick leave, employees and the employer alike must realize that the employee's right to privacy must be reconciled with the legitimate need for sufficient information to reach a determination that a condition existed which justified the use of sick leave.

If an employee is ill while absent on approval annual leave, a period of incapacitating illness may be charged to available sick leave, if application therefor is submitted immediately upon return to duty, and is supported by a certification by an attending physician or practitioner.

ADMINISTRATIVE LEAVE

GENERAL

Administrative leave is an authorized absence from duty with pay and without charge to leave.

AUTHORIZATION OF AND PURPOSES FOR ADMINISTRATIVE LEAVE

Employers are authorized to approve administrative leave for the following purposes and in accordance with established limitations:

a. To register to vote in any Federal, State, or local election, or in referendums on civic matters. Insofar as practicable, without interfering seriously with operations, employees shall be excused for a reasonable time for such purposes, but normally not to exceed one-half of a day. If an employee's voting place is beyond normal commuting distance and if voting by absentee ballot is not permitted, the employee may be granted sufficient time to make the trip to cast his ballot. Any leave for this purpose in excess of 1 day shall be charged to annual leave, if available, or to leave without pay, when proper application therefor has been made.

For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as for voting, except that no such time shall be granted if registration can be accomplished on a nonworkday or evening and the place of registration is within a reasonable 1-day round trip travel distance of the employee's place of residence.

b. For absence because of extreme weather conditions, serious interruptions to public transportation services, disasters, or special events of national importance, if properly authorized.

(1) If the office is closed for the entire day because of unusually severe weather conditions, or other such conditions as stated above, employees who are on annual or sick leave for that day will be charged administrative rather than annual or sick leave for that day.

(2) In cases of late arrivals or early dismissals which are authorized by the employer, employees who are on annual or sick leave for the entire day will be charged the appropriate leave (annual or sick) for that day.

c. To donate blood, without compensation, to a fellow employee, a member of one's family, or a blood bank. Absences for this purpose must be approved in advance and should include only the time necessary for the donation, usually not to exceed one-half day.

d. To take a qualifying examination (Bar, CPA, Notary, etc.) when such certification is required or helpful in carrying out the employee's duties. Approval must be obtained in advance.

e. For brief periods of time, to enable an employee to attend schools, briefings, or meetings incident to his receiving instruction or information on matters determined to be of mutual concern and benefit to the employer and the employee. All requests for administrative leave for such purposes must be submitted in advance.

f. To attend a Federal, State, or municipal court for jury duty or as a witness in his official capacity or in his nonofficial capacity if as a witness on behalf of the United States or the Government of the District of Columbia. An employee is required to give notice immediately upon receipt of a summons to appear at court, either as a witness or for jury duty. Application for administrative leave for such purposes will be made in advance.

g. For active duty and for time engaged in field or coast defense training not exceeding 15 calendar days in any one calendar year for each employee who is a reservist of the Armed Forces or a member of the National Guard, except in cases where the service is performed for the purpose of providing military aid to enforce the law the limitation is extended to a maximum of 22 workdays in a calendar year.

h. For other purposes which are approved by the employer.

MATERNITY LEAVE

Maternity leave is a period of approved absence for reasons related to pregnancy and confinement. It is chargeable to sick leave, or any combination of sick leave, annual leave, and leave without pay. Neither annual leave nor sick leave will be advanced for this purpose.

Generally, 8 weeks should be considered as the maximum period to be absent because of pregnancy and confinement. If an employee should require more than this 8-week period, the request should be supported by a doctor's certificate recommending such additional period.

CURRENT CIVIL SERVICE LEAVE ACCRUAL SCHEDULE

Annual Leave:	
Up to 3 years service	13 days per year
3 years to 15 years service	20 days per year
15 years and over	26 days per year

Sick Leave:

13 days per year regardless of length of service.

PERSONAL LEAVE RECORD

Name of Employee

Address

Address

Phone Number

Position Title

YEAR

DATE OF APPOINTMENT

PRIOR FEDERAL SERVICE
Years Months

ANNUAL LEAVE CATEGORY
1.0 ☐
1.5 ☐
2.0 ☐

BALANCE BROUGHT FORWARD FROM PRECEDING YEAR

Annual Leave	Sick Leave

Month	DAY OF MONTH																														ACCRUED THIS MONTH		AVAILABLE THIS MONTH		USED THIS MONTH		BALANCE AT CLOSE OF MONTH		EMPLOYEE INITIALS
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Annual Leave	Sick Leave	Annual Leave	Sick Leave	Annual Leave	Sick Leave	Annual Leave	Sick Leave	
Jan.																																								
Feb.																																								
Mar.																																								
Apr.																																								
May																																								
June																																								
July																																								
Aug.																																								
Sept.																																								
Oct.																																								
Nov.																																								
Dec.																																								

⧄ = 0.5 day annual leave
☒ = 1.0 day annual leave
S⧄ = 0.5 day sick leave
S or S/S = 1.0 day sick leave
A⧄ = 0.5 day administrative leave
A or A/A = 1.0 day administrative leave
U⧄ = 0.5 day unauthorized absence
U or U/U = 1.0 day unauthorized absence
◩ = 0.5 day leave without pay
■ = 1.0 day leave without pay

(This Form is Available from the Office of the Clerk.)

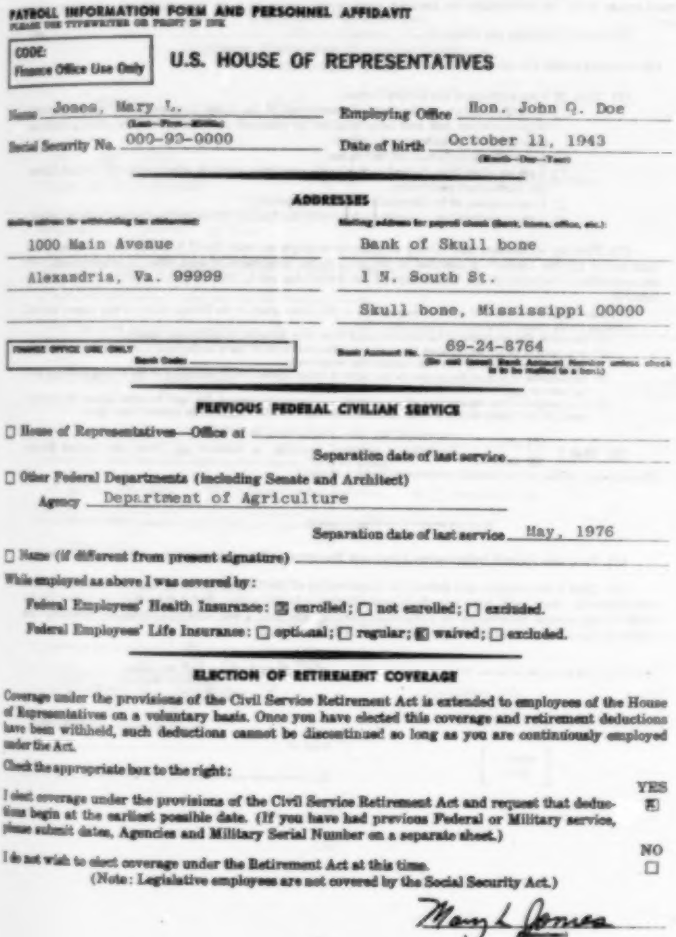
C. INFORMATION TO EMPLOYEES

1. Employment Forms.—When being employed by the House of Representatives prospective employe must complete, and submit to the Finance Office the following forms:

   a. Payroll Information Form and Personnel Affidavit. (See sample form, page 98.)
   b. Employees Withholding Allowrnce Certificate. (See sample form, page 100.)
   c. Health Benefits Registration Form. (See sample form, page 104.)
   d. Life Insurance Coverage Form. (See sample form, page 105.)
   e. Employee Request for Allotment of Pay for Credit to Savings Account of a Financial Organization (Optional). This form will authorize the direct deposit of all or part (as elected by the employee) of an employee's pay check into the financial organization of one's choice. (See sample form, page 106.)

2. Certificate of Relationship/Non-relationship to Any Current Member of Congress. This form is to be retained in the Members office. DO NOT forward to the finance office. (See sample form, page 107.)

Sample Payroll Information Form and Personnel Affidavit



PAYROLL INFORMATION FORM AND PERSONNEL AFFIDAVIT
PLEASE USE TYPEWRITER OR PRINT IN INK

CODE:
Finance Office Use Only

U.S. HOUSE OF REPRESENTATIVES

Name Jones, Mary L.
(Last—First—Middle)
Employing Office Hon. John Q. Doe
Social Security No. 000-93-0000
Date of birth October 11, 1943
(Month—Day—Year)

ADDRESSES

Mailing address for withholding tax statement:
1000 Main Avenue
Alexandria, Va. 99999

Mailing address for payroll check (Bank, home, office, etc.):
Bank of Skull bone
1 N. South St.
Skull bone, Mississippi 00000

FINANCE OFFICE USE ONLY
Bank Code: ______

Bank Account No. 69-24-8764
(Do not insert Bank Account Number unless check is to be mailed to a bank.)

PREVIOUS FEDERAL CIVILIAN SERVICE

☐ House of Representatives—Office at ______
Separation date of last service ______

☐ Other Federal Departments (including Senate and Architect)
Agency Department of Agriculture
Separation date of last service May, 1976

☐ Name (if different from present signature) ______

While employed as above I was covered by:

Federal Employees' Health Insurance: ☒ enrolled; ☐ not enrolled; ☐ excluded.
Federal Employees' Life Insurance: ☐ optional; ☐ regular; ☒ waived; ☐ excluded.

ELECTION OF RETIREMENT COVERAGE

Coverage under the provisions of the Civil Service Retirement Act is extended to employees of the House of Representatives on a voluntary basis. Once you have elected this coverage and retirement deductions have been withheld, such deductions cannot be discontinued so long as you are continuously employed under the Act.

Check the appropriate box to the right:

I elect coverage under the provisions of the Civil Service Retirement Act and request that deductions begin at the earliest possible date. (If you have had previous Federal or Military service, please submit dates, Agencies and Military Serial Number on a separate sheet.) YES ☒

I do not wish to elect coverage under the Retirement Act at this time. NO ☐

(Note: Legislative employees are not covered by the Social Security Act.)

Mary L Jones

Reverse of Sample Payroll Information Form and Personnel Affidavit

THIS FORM MUST BE NOTARIZED TO BECOME EFFECTIVE; FORM CAN BE NOTARIZED IN FINANCE OFFICE

District of Columbia (or State of) ______________________ ss:

I do solemnly swear (or affirm)—

(1) That
- ☒ **I am a citizen of the United States;**
- ☐ **if in the service on the date of enactment of the latest General Government Matters Appropriation Act, and being eligible for citizenship, I had theretofore filed a declaration of intention to become a citizen;**
- ☐ **I owe allegiance to the United States;**
- ☐ **I am an alien from Poland or the Baltic countries lawfully admitted to the United States for permanent residence;**
- ☐ **I am a citizen of the Republic of the Philippines;**
- ☐ **I am a national of a country allied with the United States in the current defense effort;**

(2) That my acceptance and holding of office or employment with the U.S. House of Representatives does not or (if this affidavit is executed by me prior to my acceptance of such office or employment) will not constitute a violation of the first section of the Act of August 9, 1955 (5 U.S.C. 7311), which reads as follows:

> **No person shall accept or hold office or employment in the Government of the United States or any agency thereof, including wholly owned Government corporations, who—**
> **(1) advocates the overthrow of our constitutional form of government in the United States;**
> **(2) is a member of an organization that advocates the overthrow of our constitutional form of government in the United States, knowing that such organization so advocates;**
> **(3) participates in any strike or asserts the right to strike against the Government of the United States or such agency; or**
> **(4) is a member of an organization of Government employees that asserts the right to strike against the Government of the United States or such agencies, knowing that such organization asserts such right;**

(3) That I ☐ am ☒ am not receiving a pension, annuity, or retired pay from the United States Government (if so, please furnish source and claim number);

______________________________ (Name and location of administering agency) ______________ (Claim number)

(4) That this Payroll Information Form and Personnel Affidavit is complete, true, and correct;

(5) That I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter; So help me God.

Subscribed and sworn to before me this

Mary L Jones
(Signature of employee)

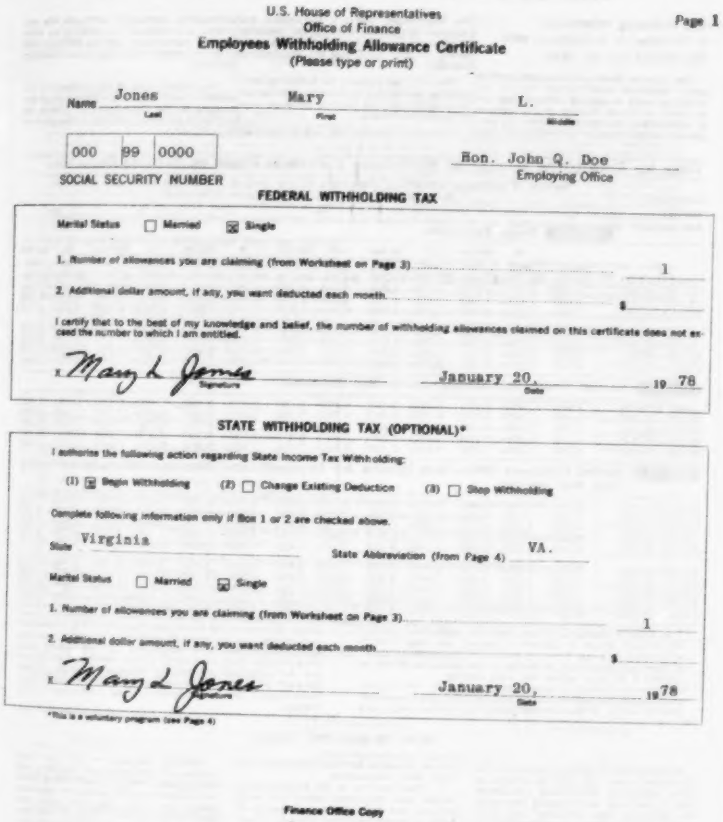
______ day of ______________, 19____ ______________________ *Notary Public.*

State of ______________________

[NOTARY SEAL]

My commission expires ______________________

SAMPLE EMPLOYEE'S WITHHOLDING ALLOWANCE CERTIFICATE—PAGE 1



U.S. House of Representatives
Office of Finance
Employees Withholding Allowance Certificate
(Please type or print)

Page 1

Name Jones (Last) Mary (First) L. (Middle)

000	99	0000

SOCIAL SECURITY NUMBER

Hon. John Q. Doe
Employing Office

FEDERAL WITHHOLDING TAX

Marital Status ☐ Married ☒ Single

1. Number of allowances you are claiming (from Worksheet on Page 3) 1
2. Additional dollar amount, if any, you want deducted each month $

I certify that to the best of my knowledge and belief, the number of withholding allowances claimed on this certificate does not exceed the number to which I am entitled.

x Mary L Jones (Signature)   January 20, (Date) 19 78

STATE WITHHOLDING TAX (OPTIONAL)*

I authorize the following action regarding State Income Tax Withholding:

(1) ☒ Begin Withholding (2) ☐ Change Existing Deduction (3) ☐ Stop Withholding

Complete following information only if Box 1 or 2 are checked above.

State Virginia   State Abbreviation (from Page 4) VA.

Marital Status ☐ Married ☒ Single

1. Number of allowances you are claiming (from Worksheet on Page 3) 1
2. Additional dollar amount, if any, you want deducted each month $

x Mary L Jones (Signature)   January 20, (Date) 1978

*This is a voluntary program (see Page 4)

Finance Office Copy

Sample Employee's Withholding Allowance Certificate—Page 2

The Following Information is Provided in Accordance with the Privacy Act of 1974

The Internal Revenue Code requires that every employee shall furnish his or her employer with a signed withholding exemption certificate relating to the number of withholding exemptions which the employee claims (section 3402(f)(2)(A) and the Regulations thereto). Individuals are required to provide their Social Security Number for proper identification and processing (section 6109 and the Regulations thereto).

The principal purpose for soliciting withholding exemption certificate information is to administer the Internal Revenue laws of the United States.

If an employee does not furnish a signed withholding exemption certificate, the employee is considered as claiming no withholding exemptions (section 3401(e)) and shall be treated as a single person (section 3402(l)).

The routine uses of the withholding exemption certificate information include disclosure to the Department of Justice for actual or potential criminal prosecution or civil litigation.

Table for Determining Number of Withholding Allowances Based on Itemized Deductions

Number of additional withholding allowances for the amount of itemized deductions shown in the appropriate column (See Line i on other side)

Estimated salaries and wages	0	1		2		3		4		5		6*	
Part I Single Employees													
	Under	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than
Under $10,000	$2,200	$2,200–	$2,950	$2,950–	$3,700	$3,700–	$4,450	$4,450–	$5,200	$5,200–	$5,950	$5,950–	$6,700
10,000–15,000	2,500	2,500–	3,250	3,250–	4,000	4,000–	4,750	4,750–	5,500	5,500–	6,250	6,250–	7,000
15,000–25,000	2,800	2,800–	3,550	3,550–	4,300	4,300–	5,050	5,050–	5,800	5,800–	6,550	6,550–	7,300
25,000–30,000	3,200	3,200–	3,950	3,950–	4,700	4,700–	5,450	5,450–	6,200	6,200–	6,950	6,950–	7,700
30,000–35,000	4,000	4,000–	4,750	4,750–	5,500	5,500–	6,250	6,250–	7,000	7,000–	7,750	7,750–	8,500
35,000–40,000	5,000	5,000–	5,750	5,750–	6,500	6,500–	7,250	7,250–	8,000	8,000–	8,750	8,750–	9,500
40,000–45,000	6,500	6,500–	7,250	7,250–	8,000	8,000–	8,750	8,750–	9,500	9,500–	10,250	10,250–	11,000
45,000–50,000**	8,000	8,000–	8,750	8,750–	9,500	9,500–	10,250	10,250–	11,000	11,000–	11,750	11,750–	12,500
Part II Married Employees (When Spouse Is Not Employed)													
Under $15,000	2,900	2,900–	3,650	3,650–	4,400	4,400–	5,150	5,150–	5,900	5,900–	6,650	6,650–	7,400
15,000–35,000	3,400	3,400–	4,150	4,150–	4,900	4,900–	5,650	5,650–	6,400	6,400–	7,150	7,150–	7,900
35,000–40,000	3,700	3,700–	4,450	4,450–	5,200	5,200–	5,950	5,950–	6,700	6,700–	7,450	7,450–	8,200
40,000–45,000	4,300	4,300–	5,050	5,050–	5,800	5,800–	6,550	6,550–	7,300	7,300–	8,050	8,050–	8,800
45,000–50,000**	5,200	5,200–	5,950	5,950–	6,700	6,700–	7,450	7,450–	8,200	8,200–	8,950	8,950–	9,700
Part III Married Employees (When Both Spouses Are Employed), and other employees who are holding more than one job													
Under $10,000	3,200	3,200–	3,950	3,950–	4,700	4,700–	5,450	5,450–	6,200	6,200–	6,950	6,950–	7,700
10,000–12,000	3,700	3,700–	4,450	4,450–	5,200	5,200–	5,950	5,950–	6,700	6,700–	7,450	7,450–	8,200
12,000–15,000	4,200	4,200–	4,950	4,950–	5,700	5,700–	6,450	6,450–	7,200	7,200–	7,950	7,950–	8,700
15,000–20,000	5,000	5,000–	5,750	5,750–	6,500	6,500–	7,250	7,250–	8,000	8,000–	8,750	8,750–	9,500
20,000–25,000	5,600	5,600–	6,350	6,350–	7,100	7,100–	7,850	7,850–	8,600	8,600–	9,350	9,350–	10,100
25,000–30,000	6,200	6,200–	6,950	6,950–	7,700	7,700–	8,450	8,450–	9,200	9,200–	9,950	9,950–	10,700
30,000–35,000	7,100	7,100–	7,850	7,850–	8,600	8,600–	9,350	9,350–	10,100	10,100–	10,850	10,850–	11,600
35,000–40,000	7,900	7,900–	8,650	8,650–	9,400	9,400–	10,150	10,150–	10,900	10,900–	11,650	11,650–	12,400
40,000–45,000	8,900	8,900–	9,650	9,650–	10,400	10,400–	11,150	11,150–	11,900	11,900–	12,650	12,650–	13,400
45,000–50,000**	10,200	10,200–	10,950	10,950–	11,700	11,700–	12,450	12,450–	13,200	13,200–	13,950	13,950–	14,700

*7 or More Allowances: If your itemized deductions exceed the amount shown in Column 6 (above), you may claim 6 allowances plus one more for each $750 or fraction thereof of itemized deductions in excess of the amounts shown in Column 6 for your salary and wage bracket.

**When annual salary or wage exceeds $50,000, "0" column amounts may be determined as follows: for single employees (Part I)—22% of their annual salary, for married employees whose spouse is not employed (Part II)—15% of their annual salary, and for married employees when both spouses are employed and other employees who are holding more than one job (Part III)—24% of their combined annual salary. An additional withholding allowance may be claimed for each $750 or fraction thereof by which itemized deductions exceed the "0" column amount determined in this manner.

HOW TO USE THE TABLE

If you expect to itemize deductions for the current year, you may be entitled to claim additional withholding allowances (line i) and thus avoid having too much tax withheld. Your employer will treat each such allowance as a withholding exemption. The amount of itemized deductions for the current year cannot exceed the amount of itemized deductions (or standard deduction) claimed on your return for the preceding year (or 2nd preceding year if you have not yet filed your return for the preceding year), plus additional determinable deductible amounts.

These additional allowances will remain in effect until you file a new employees withholding allowance certificate with your employer. For detailed information on allowable itemized deductions, see Form 1040 instructions.

1. Find the line in the table that includes your estimated salary and wage amount and that shows your status as either a single employee (Part I), a married employee whose spouse is not employed (Part II), or a married employee whose spouse is also employed (Part III). Also, use Part III if you are an employee who is holding more than one job concurrently.

2. Read across that line until you find the column that includes the amount of your estimated itemized deductions.

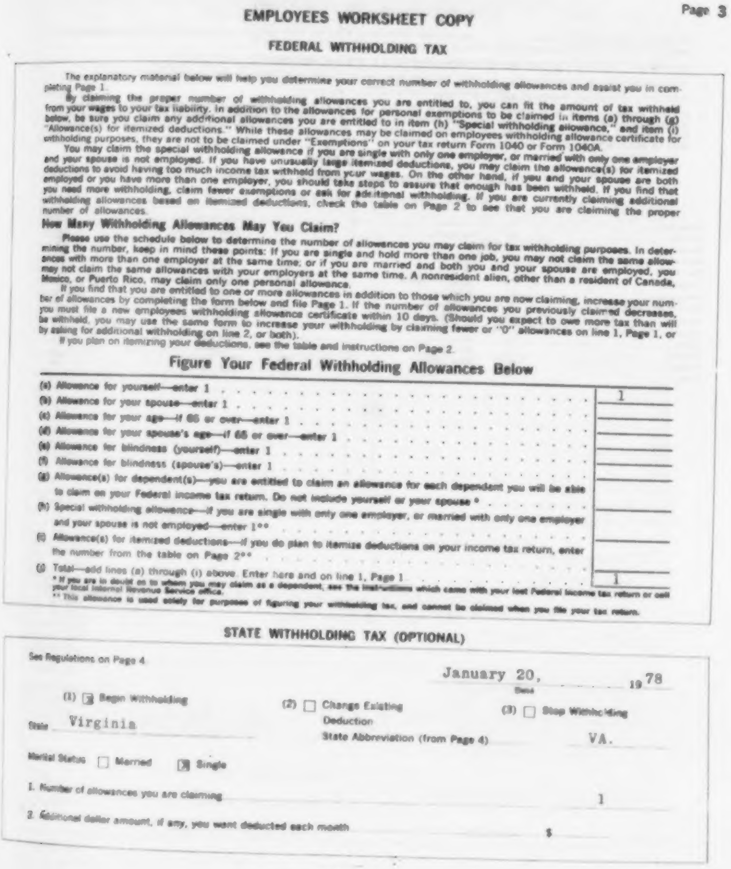
3. Note the number of allowances shown at the top of the column. This is the maximum number of additional withholding allowances you may claim on line i.

Married Couples.—If you and your spouse are both employed and file a joint return, determine your withholding allowances based on your combined wages and deductions. If you file a joint return and your spouse is not employed, use Part II. If you are filing a joint return and both are employed, use Part III to determine the total number of withholding allowances to which you are jointly entitled (you may allocate such withholding allowances between yourselves). However, if in your last filing you filed separate returns, and if you expect to file separately this year, each of you must make your determination on the basis of your own wages and deductions and determine the number of withholding allowances for each from Part III.

(over)

(detach along perforation)

Sample Employer's Withholding Allowance Certificate—Page 3



Page 3

EMPLOYEES WORKSHEET COPY

FEDERAL WITHHOLDING TAX

The explanatory material below will help you determine your correct number of withholding allowances and assist you in completing Page 1.

By claiming the proper number of withholding allowances you are entitled to, you can fit the amount of tax withheld from your wages to your tax liability. In addition to the allowances for personal exemptions to be claimed in items (a) through (g) below, be sure you claim any additional allowances you are entitled to in item (h) "Special withholding allowance," and item (i) "Allowance(s) for itemized deductions." While these allowances may be claimed on employees withholding allowance certificate for withholding purposes, they are not to be claimed under "Exemptions" on your tax return Form 1040 or Form 1040A.

You may claim the special withholding allowance if you are single with only one employer, or married with only one employer and your spouse is not employed. If you have unusually large itemized deductions, you may claim the allowance(s) for itemized deductions to avoid having too much income tax withheld from your wages. On the other hand, if you and your spouse are both employed or you have more than one employer, you should take steps to assure that enough has been withheld. If you find that you need more withholding, claim fewer exemptions or ask for additional withholding. If you are currently claiming additional withholding allowances based on itemized deductions, check the table on Page 2 to see that you are claiming the proper number of allowances.

How Many Withholding Allowances May You Claim?

Please use the schedule below to determine the number of allowances you may claim for tax withholding purposes. In determining the number, keep in mind these points: If you are single and hold more than one job, you may not claim the same allowances with more than one employer at the same time; or if you are married and both you and your spouse are employed, you may not claim the same allowances with your employers at the same time. A nonresident alien, other than a resident of Canada, Mexico, or Puerto Rico, may claim only one personal allowance.

If you find that you are entitled to one or more allowances in addition to those which you are now claiming, increase your number of allowances by completing the form below and file Page 1. If the number of allowances you previously claimed decreases, you must file a new employees withholding allowance certificate within 10 days. (Should you expect to owe more tax than will be withheld, you may use the same form to increase your withholding by claiming fewer or "0" allowances on line 1, Page 1, or by asking for additional withholding on line 2, or both).

If you plan on itemizing your deductions, see the table and instructions on Page 2.

Figure Your Federal Withholding Allowances Below

(a) Allowance for yourself—enter 1	1
(b) Allowance for your spouse—enter 1	
(c) Allowance for your age—if 65 or over—enter 1	
(d) Allowance for your spouse's age—if 65 or over—enter 1	
(e) Allowance for blindness (yourself)—enter 1	
(f) Allowance for blindness (spouse's)—enter 1	
(g) Allowance(s) for dependent(s)—you are entitled to claim an allowance for each dependent you will be able to claim on your Federal income tax return. Do not include yourself or your spouse *	
(h) Special withholding allowance—if you are single with only one employer, or married with only one employer and your spouse is not employed—enter 1**	
(i) Allowance(s) for itemized deductions—if you do plan to itemize deductions on your income tax return, enter the number from the table on Page 2**	
(j) Total—add lines (a) through (i) above. Enter here and on line 1, Page 1	1

* If you are in doubt as to whom you may claim as a dependent, see the instructions which came with your last Federal income tax return or call your local Internal Revenue Service office.

** This allowance is used solely for purposes of figuring your withholding tax, and cannot be claimed when you file your tax return.

STATE WITHHOLDING TAX (OPTIONAL)

See Regulations on Page 4

January 20, 19 78
Date

(1) ☒ Begin Withholding (2) ☐ Change Existing Deduction (3) ☐ Stop Withholding

State Virginia

State Abbreviation (from Page 4) VA.

Marital Status ☐ Married ☒ Single

1. Number of allowances you are claiming 1

2. Additional dollar amount, if any, you want deducted each month $

Sample Employee's Withholding Allowance Certificate—Page 4

STATE WITHHOLDING TAX REGULATIONS

1. All election authorizations, revocations, or changes for withholding State tax from salaries must be made on the prescribed form issued by the House of Representatives Office of Finance.
2. An employee may have only one request for State withholding in effect at any one time.
3. An employee may not have more than two such requests with respect to different States during any one calendar year.
4. Election for withholding is **optional** and an employee may revoke such election.
5. Election, change or revocation of state withholding is effective on the first day of the month in which the request is processed by the Clerk of the House, but in no event later than on the first day of the first month beginning after the day on which such election, change or revocation is received with the following exception. When an employee first receives an appointment, his request shall be effective on the day of the appointment if the request is made at that time.

STATE ABBREVIATIONS

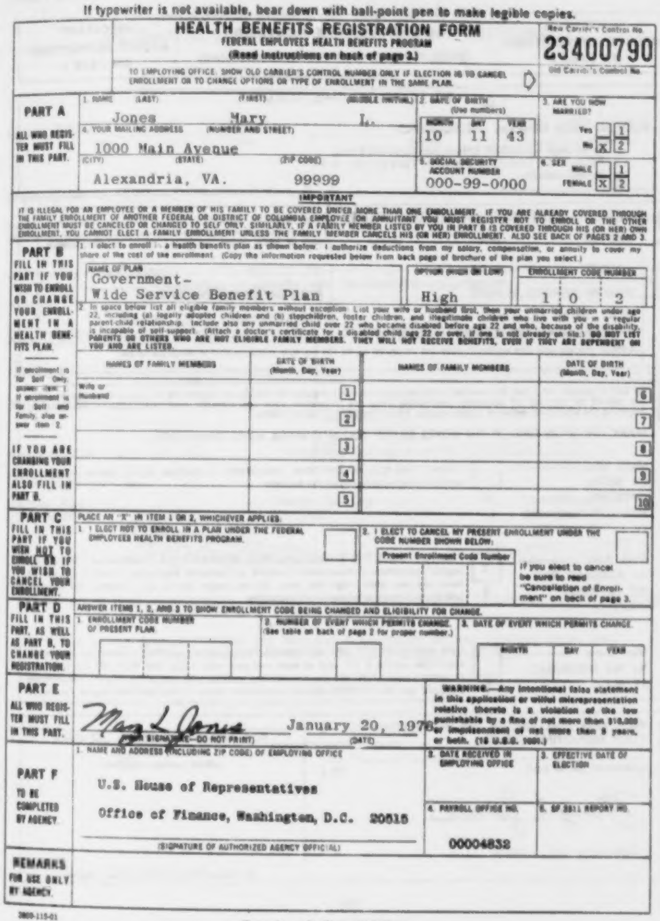
(For use in completing State Withholding Tax, Page 1)

TWO-LETTER STATE ABBREVIATIONS

Alabama	AL	Kansas	KS	New York	NY
Alaska	AK	Kentucky	KY	North Carolina	NC
Arizona	AZ	Louisiana	LA	North Dakota	ND
Arkansas	AR	Maine	ME	Ohio	OH
California	CA	Maryland	MD	Oklahoma	OK
Colorado	CO	Massachusetts	MA	Oregon	OR
Delaware	DE	Michigan	MI	Pennsylvania	PA
District of Columbia	DC	Minnesota	MN	Puerto Rico	PR
Georgia	GA	Mississippi	MS	Rhode Island	RI
Hawaii	HI	Missouri	MO	South Carolina	SC
Idaho	ID	Montana	MT	Utah	UT
Illinois	IL	Nebraska	NB	Vermont	VT
Indiana	IN	New Jersey	NJ	Virginia	VA
Iowa	IA	New Mexico	NM	West Virginia	WV
				Wisconsin	WI

Sample Health Benefits Registration Form

If typewriter is not available, bear down with ball-point pen to make legible copies.



HEALTH BENEFITS REGISTRATION FORM
FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM
(Read instructions on back of page 3.)

New Carrier's Control No. 23400790

TO EMPLOYING OFFICE: SHOW OLD CARRIER'S CONTROL NUMBER ONLY IF ELECTION IS TO CANCEL ENROLLMENT OR TO CHANGE OPTIONS OR TYPE OF ENROLLMENT IN THE SAME PLAN.

Old Carrier's Control No.

PART A ALL WHO REGISTER MUST FILL IN THIS PART.

1. NAME (LAST) Jones (FIRST) Mary (MIDDLE INITIAL) L.
2. DATE OF BIRTH (Use numbers) MONTH 10 DAY 11 YEAR 43
3. ARE YOU NOW MARRIED? Yes ☐ 1 No ☒ 2
4. YOUR MAILING ADDRESS (NUMBER AND STREET) 1000 Main Avenue
(CITY) (STATE) (ZIP CODE) Alexandria, VA. 99999
5. SOCIAL SECURITY ACCOUNT NUMBER 000-99-0000
6. SEX MALE ☐ 1 FEMALE ☒ 2

IMPORTANT

IT IS ILLEGAL FOR AN EMPLOYEE OR A MEMBER OF HIS FAMILY TO BE COVERED UNDER MORE THAN ONE ENROLLMENT. IF YOU ARE ALREADY COVERED THROUGH THE FAMILY ENROLLMENT OF ANOTHER FEDERAL OR DISTRICT OF COLUMBIA EMPLOYEE OR ANNUITANT YOU MUST REGISTER NOT TO ENROLL OR THE OTHER ENROLLMENT MUST BE CANCELED OR CHANGED TO SELF ONLY. SIMILARLY, IF A FAMILY MEMBER LISTED BY YOU IN PART B IS COVERED THROUGH HIS (OR HER) OWN ENROLLMENT, YOU CANNOT ELECT A FAMILY ENROLLMENT UNLESS THE FAMILY MEMBER CANCELS HIS (OR HER) ENROLLMENT. ALSO SEE BACK OF PAGES 2 AND 3.

PART B FILL IN THIS PART IF YOU WISH TO ENROLL OR CHANGE YOUR ENROLLMENT IN A HEALTH BENEFITS PLAN.

If enrollment is for Self Only, answer item 1. If enrollment is for Self and Family, also answer item 2.

IF YOU ARE CHANGING YOUR ENROLLMENT ALSO FILL IN PART D.

1. I elect to enroll in a health benefits plan as shown below. I authorize deductions from my salary, compensation, or annuity to cover my share of the cost of the enrollment. (Copy the information requested below from back page of brochure of the plan you select.)

NAME OF PLAN Government-Wide Service Benefit Plan
OPTION (HIGH OR LOW) High
ENROLLMENT CODE NUMBER 1 0 2

2. In space below list all eligible family members without exception. List your wife or husband first, then your unmarried children under age 22, including (a) legally adopted children and (b) stepchildren, foster children, and illegitimate children who live with you in a regular parent-child relationship. Include also any unmarried child over 22 who became disabled before age 22 and who, because of the disability, is incapable of self-support. (Attach a doctor's certificate for a disabled child age 22 or over, if one is not already on file.) **DO NOT LIST PARENTS OR OTHERS WHO ARE NOT ELIGIBLE FAMILY MEMBERS. THEY WILL NOT RECEIVE BENEFITS, EVEN IF THEY ARE DEPENDENT ON YOU AND ARE LISTED.**

NAMES OF FAMILY MEMBERS	DATE OF BIRTH (Month, Day, Year)	NAMES OF FAMILY MEMBERS	DATE OF BIRTH (Month, Day, Year)
Wife or Husband	1		6
	2		7
	3		8
	4		9
	5		10

PART C FILL IN THIS PART IF YOU WISH NOT TO ENROLL OR IF YOU WISH TO CANCEL YOUR ENROLLMENT.

PLACE AN "X" IN ITEM 1 OR 2, WHICHEVER APPLIES.

1. I ELECT NOT TO ENROLL IN A PLAN UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM. ☐
2. I ELECT TO CANCEL MY PRESENT ENROLLMENT UNDER THE CODE NUMBER SHOWN BELOW: ☐

Present Enrollment Code Number

If you elect to cancel be sure to read "Cancellation of Enrollment" on back of page 3.

PART D FILL IN THIS PART, AS WELL AS PART B, TO CHANGE YOUR REGISTRATION.

ANSWER ITEMS 1, 2, AND 3 TO SHOW ENROLLMENT CODE BEING CHANGED AND ELIGIBILITY FOR CHANGE.

1. ENROLLMENT CODE NUMBER OF PRESENT PLAN
2. NUMBER OF EVENT WHICH PERMITS CHANGE. (See table on back of page 2 for proper number.)
3. DATE OF EVENT WHICH PERMITS CHANGE. MONTH DAY YEAR

PART E ALL WHO REGISTER MUST FILL IN THIS PART.

Mary L Jones
(YOUR SIGNATURE—DO NOT PRINT)

January 20, 1976
(DATE)

WARNING.—Any intentional false statement in this application or willful misrepresentation relative thereto is a violation of the law punishable by a fine of not more than $10,000 or imprisonment of not more than 5 years, or both. (18 U.S.C. 1001.)

PART F TO BE COMPLETED BY AGENCY.

1. NAME AND ADDRESS (INCLUDING ZIP CODE) OF EMPLOYING OFFICE

U.S. House of Representatives
Office of Finance, Washington, D.C. 20515

(SIGNATURE OF AUTHORIZED AGENCY OFFICIAL)

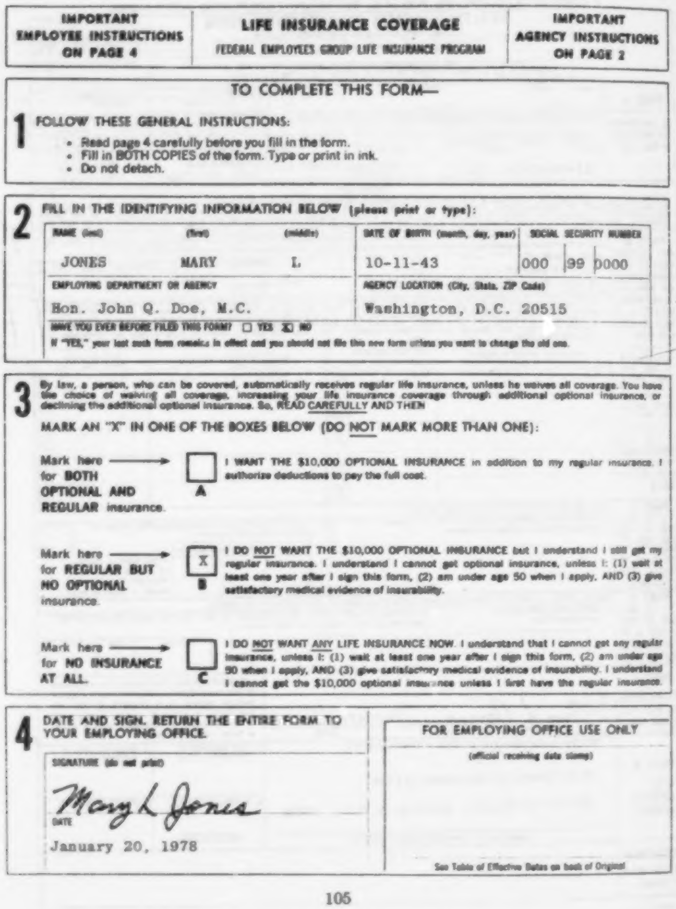
2. DATE RECEIVED IN EMPLOYING OFFICE
3. EFFECTIVE DATE OF ELECTION
4. PAYROLL OFFICE NO. 00004832
5. SF 2811 REPORT NO.

REMARKS FOR USE ONLY BY AGENCY.

2800-115-01

Page 1 — To Payroll Office

Sample Election/Declination of Life Insurance Coverage Form—(Printed on Blue Paper)



IMPORTANT EMPLOYEE INSTRUCTIONS ON PAGE 4	**LIFE INSURANCE COVERAGE** FEDERAL EMPLOYEES GROUP LIFE INSURANCE PROGRAM	**IMPORTANT AGENCY INSTRUCTIONS ON PAGE 2**

TO COMPLETE THIS FORM—

1 FOLLOW THESE GENERAL INSTRUCTIONS:

- Read page 4 carefully before you fill in the form.
- Fill in BOTH COPIES of the form. Type or print in ink.
- Do not detach.

2 FILL IN THE IDENTIFYING INFORMATION BELOW (please print or type):

NAME (last)	(first)	(middle)	DATE OF BIRTH (month, day, year)	SOCIAL SECURITY NUMBER
JONES	MARY	L	10-11-43	000 99 0000
EMPLOYING DEPARTMENT OR AGENCY Hon. John Q. Doe, M.C.			AGENCY LOCATION (City, State, ZIP Code) Washington, D.C. 20515	

HAVE YOU EVER BEFORE FILED THIS FORM? ☐ YES ☒ NO

If "YES," your last such form remains in effect and you should not file this new form unless you want to change the old one.

3 By law, a person, who can be covered, automatically receives regular life insurance, unless he waives all coverage. You have the choice of waiving all coverage, increasing your life insurance coverage through additional optional insurance, or declining the additional optional insurance. So, READ CAREFULLY AND THEN

MARK AN "X" IN ONE OF THE BOXES BELOW (DO NOT MARK MORE THAN ONE):

Mark here for **BOTH OPTIONAL AND REGULAR** insurance. → ☐ A — I WANT THE $10,000 OPTIONAL INSURANCE in addition to my regular insurance. I authorize deductions to pay the full cost.

Mark here for **REGULAR BUT NO OPTIONAL** insurance. → ☒ B — I DO NOT WANT THE $10,000 OPTIONAL INSURANCE but I understand I still get my regular insurance. I understand I cannot get optional insurance, unless I: (1) wait at least one year after I sign this form, (2) am under age 50 when I apply, AND (3) give satisfactory medical evidence of insurability.

Mark here for **NO INSURANCE AT ALL.** → ☐ C — I DO NOT WANT ANY LIFE INSURANCE NOW. I understand that I cannot get any regular insurance, unless I: (1) wait at least one year after I sign this form, (2) am under age 50 when I apply, AND (3) give satisfactory medical evidence of insurability. I understand I cannot get the $10,000 optional insurance unless I first have the regular insurance.

4 DATE AND SIGN. RETURN THE ENTIRE FORM TO YOUR EMPLOYING OFFICE.

SIGNATURE (do not print)

Mary L Jones

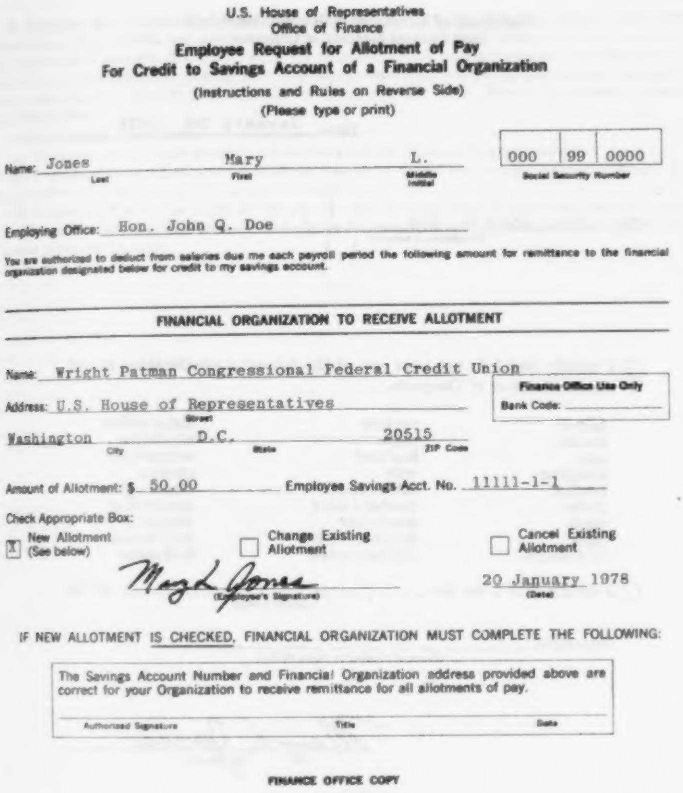
DATE

January 20, 1978

FOR EMPLOYING OFFICE USE ONLY

(official receiving date stamp)

See Table of Effective Dates on back of Original



U.S. House of Representatives
Office of Finance

Employee Request for Allotment of Pay For Credit to Savings Account of a Financial Organization

(Instructions and Rules on Reverse Side)
(Please type or print)

Name: Jones (Last) Mary (First) L. (Middle Initial)

Social Security Number: 000 | 99 | 0000

Employing Office: Hon. John Q. Doe

You are authorized to deduct from salaries due me each payroll period the following amount for remittance to the financial organization designated below for credit to my savings account.

FINANCIAL ORGANIZATION TO RECEIVE ALLOTMENT

Name: Wright Patman Congressional Federal Credit Union

Finance Office Use Only
Bank Code:

Address: U.S. House of Representatives (Street)
Washington (City) D.C. (State) 20515 (ZIP Code)

Amount of Allotment: $ 50.00 Employee Savings Acct. No. 11111-1-1

Check Appropriate Box:

☒ New Allotment (See below)
☐ Change Existing Allotment
☐ Cancel Existing Allotment

Mary L Jones (Employee's Signature)
20 January 1978 (Date)

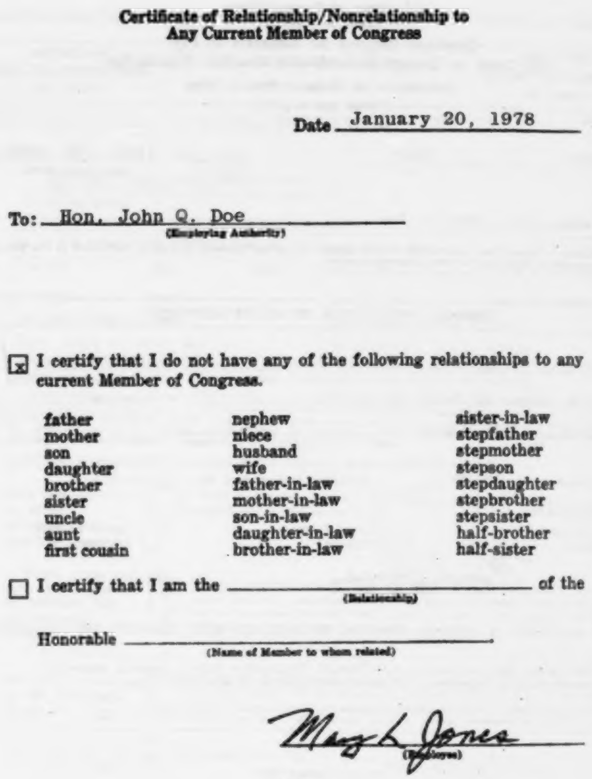
IF NEW ALLOTMENT IS CHECKED, FINANCIAL ORGANIZATION MUST COMPLETE THE FOLLOWING:

The Savings Account Number and Financial Organization address provided above are correct for your Organization to receive remittance for all allotments of pay.

Authorized Signature Title Date

FINANCE OFFICE COPY

Form No. LL-1



Certificate of Relationship/Nonrelationship to Any Current Member of Congress

Date January 20, 1978

To: Hon. John Q. Doe
(Employing Authority)

☒ I certify that I do not have any of the following relationships to any current Member of Congress.

- father
- mother
- son
- daughter
- brother
- sister
- uncle
- aunt
- first cousin
- nephew
- niece
- husband
- wife
- father-in-law
- mother-in-law
- son-in-law
- daughter-in-law
- brother-in-law
- sister-in-law
- stepfather
- stepmother
- stepson
- stepdaughter
- stepbrother
- stepsister
- half-brother
- half-sister

☐ I certify that I am the ______________ (Relationship) of the

Honorable ______________ (Name of Member to whom related).

Mary L. Jones
(Employee)

107

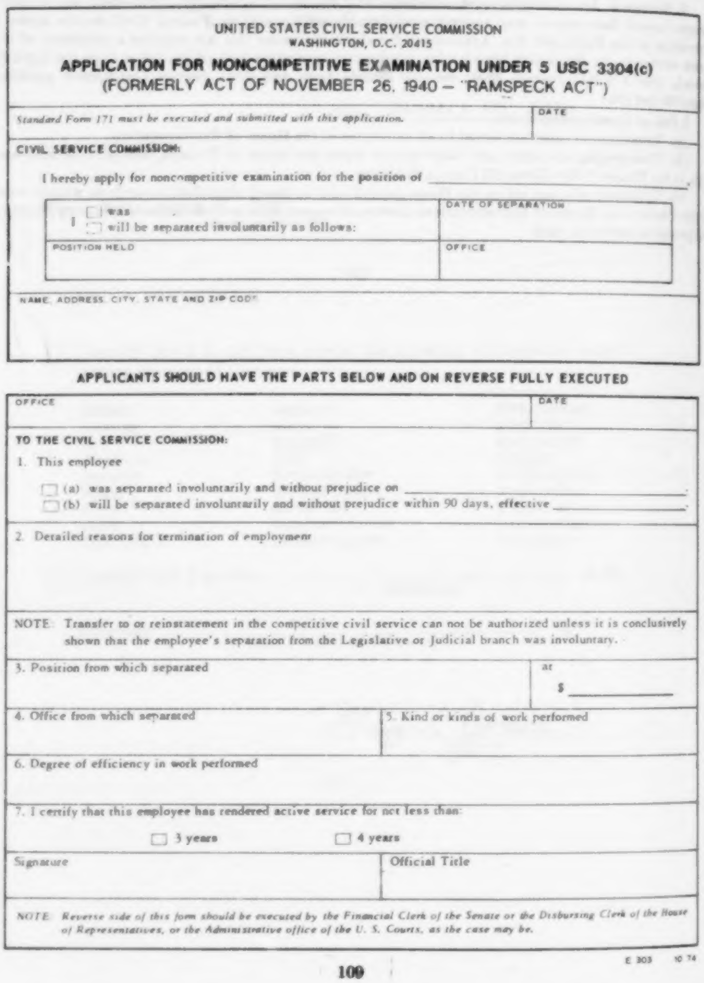
2. Ramspeck Act.—Congressional employees who lose their positions of employment due to circumstances beyond their control may apply for comparable positions in the Federal Civil Service under the provisions of the Ramspeck Act. Application for eligibility under this Act requires a minimum of three years service in the legislative branch plus involuntary separation without prejudice from the legislative branch. (See 5 U.S.C. Section 3304; see also sample form and Civil Service Commission guidelines, pages 109 and 110.)

3. Official Identification Cards.—

(*a*) Identification cards are issued to all employees of the House of Representatives.

(*b*) Photographs are taken, and identification cards are issued on Fridays, between 9:30 a.m. and 4 p.m., in the Finance Office, Room 263 Cannon Building.

(*c*) Volunteers who are not on the House payroll may be issued identification cards on written request to the Clerk of the House of Representatives. Letters of request must include the Social Security Number of the person to receive the card.



UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C. 20415

APPLICATION FOR NONCOMPETITIVE EXAMINATION UNDER 5 USC 3304(c)
(FORMERLY ACT OF NOVEMBER 26, 1940 – "RAMSPECK ACT")

Standard Form 171 must be executed and submitted with this application.

DATE

CIVIL SERVICE COMMISSION:

I hereby apply for noncompetitive examination for the position of ______________________.

I ☐ was
☐ will be separated involuntarily as follows:

DATE OF SEPARATION

POSITION HELD

OFFICE

NAME, ADDRESS, CITY, STATE AND ZIP CODE

APPLICANTS SHOULD HAVE THE PARTS BELOW AND ON REVERSE FULLY EXECUTED

OFFICE

DATE

TO THE CIVIL SERVICE COMMISSION:

1. This employee

☐ (a) was separated involuntarily and without prejudice on ______________________.
☐ (b) will be separated involuntarily and without prejudice within 90 days, effective ______________.

2. Detailed reasons for termination of employment

NOTE: Transfer to or reinstatement in the competitive civil service can not be authorized unless it is conclusively shown that the employee's separation from the Legislative or Judicial branch was involuntary.

3. Position from which separated

at
$ ____________

4. Office from which separated

5. Kind or kinds of work performed

6. Degree of efficiency in work performed

7. I certify that this employee has rendered active service for not less than:

☐ 3 years ☐ 4 years

Signature

Official Title

NOTE: Reverse side of this form should be executed by the Financial Clerk of the Senate or the Disbursing Clerk of the House of Representatives, or the Administrative office of the U. S. Courts, as the case may be.

E 303 10 74

Civil Service Commission Guidelines for Appointment Based on Legislative Service Under Special Provisions of the Ramspeck Act of November 26, 1940, As Amended

Section 3303(c) of Title 5 (formerly Section 2(b) of Title 1 of the Ramspeck Act of November 26, 1940, (54 Stat. 1211; 5 U.S.C. 631b), as amended by Public Law 85-432, May 29, 1958) provides as follows:

An individual who served for at least 3 years in the legislative branch in a position in which he was paid by the Secretary of the Senate or the Clerk of the House of Representatives acquires a competitive status for transfer to the competitive service if he is involuntarily separated without prejudice from the legislative branch, passes a suitable noncompetitive examination, and transfers to the competitive service within 1 year of the separation from the legislative branch. For the purpose of this subsection, an individual who has served for at least 2 years in a position in the legislative branch described above and who is separated from that position to enter the Armed Forces is deemed to have held that position during his service in the Armed Forces.

Some of the more important decisions of the Civil Service Commission with reference to eligibility under this provision are as follows:

The 3 years of service required for eligibility need not have been continuous.

The employee must have been separated from his position in the legislative service or it must be definitely known that he will be separated within 90 days.

The separation must be involuntary and without prejudice; that is, the employee's record must be good and his final separation must be due to circumstances beyond his control, such as death, defeat, or resignation of his employer, separation because of lack of work or funds, or involuntary separation for some other reason.

Discharge from the Armed Forces under honorable conditions may be considered an involuntary separation from the legislative position.

The individual must locate a competitive position in the Federal service within 1 year of his involuntary separation.

In cases in which there has been a break between service in the legislative service and the appointment under 5 USC 3304(c) the appointment is effected as a reinstatement.

The employee does not serve a probationary period in connection with an appointment under 5 USC 3304(c).

E 346 January 1977.

D. ALLOWANCE FOR OFFICIAL EXPENSES

1. Each Member is authorized an allowance for the conduct of the official and representational duties of the office. This allowance shall consist of a base of $32,911 plus:

(*a*) The equivalent of 64 multiplied by the rate per mile multiplied by the mileage between the District of Columbia and the furthest point in the Member's District, according to the Rand McNally Standard Highway Mileage Guide, plus 10 percent. In no case shall this account be less than $2,250. The following rates per mile apply:

	Per mile
Under 500 miles	$0.15
At least 500 but under 750 miles	.14
At least 750 but under 1,000 miles	.13
At least 1,000 but under 1,750 miles	.12
At least 1,750 but under 2,250 miles	.11
At least 2,250 but under 2,500 miles	.10
At least 2,500 but under 3,000 miles	.09
3,000 miles or over	.08

(*b*) (1) The equivalent to 15,000 times the highest long-distance telephone rate per minute from the District of Columbia to the Member's District.

(2) If the Member has elected to utilize WATS or similar service in his or her office in the Capitol or House Office Building, the 15,000 minute multiplier specified in (1) above will be reduced by one-half.

(3) In no case shall the equivalent amount specified in (1) above be less than $6,000 or the amount specified in (2) above be less than $3,000.

(*c*) The equivalent to 2500 square feet multiplied by the highest applicable rate per square foot charged to Federal agencies in the district established by regulations issued by the Administrator of General Services pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 490(j)) for the rental of suitable office space.

2. This allowance may be used for the expenses of travel, office equipment lease, district office lease, stationary, telecommunications, mass mailings, postage, computer services and other official expenses.

3. (*a*) This allowance will be disbursed, upon proper certification and documentation, for the official expenses of the Member, the Member's employees or the Member's congressional office and shall be in the form of reimbursement to the Member or direct payment on behalf of the Member to a specified payee.

(*b*) Documentation shall include invoices, receipts or other evidence of expenses incurred.

(*c*) Official expenses are ordinary and necessary business expenses incurred in support of the Members official and representational duties.

(*d*) The following items or classes of items are excluded from those payable from this allowance:

(1) Expenses relating to the hiring and employment of individuals, including, but not limited to, employment service fees, transportation of interviewees to and from employment interviews and cost of relocation upon acceptance or termination of employment.

(2) Items purchased from other than the House stationery store which have a useful life in excess of the current term of the Member, and which would have a residual value of more than $25 upon the expiration of the current term of the Member.

(3) Holiday greeting cards, flowers, and trophies.

(4) Personal advertisements (other than meeting or appearance notices).

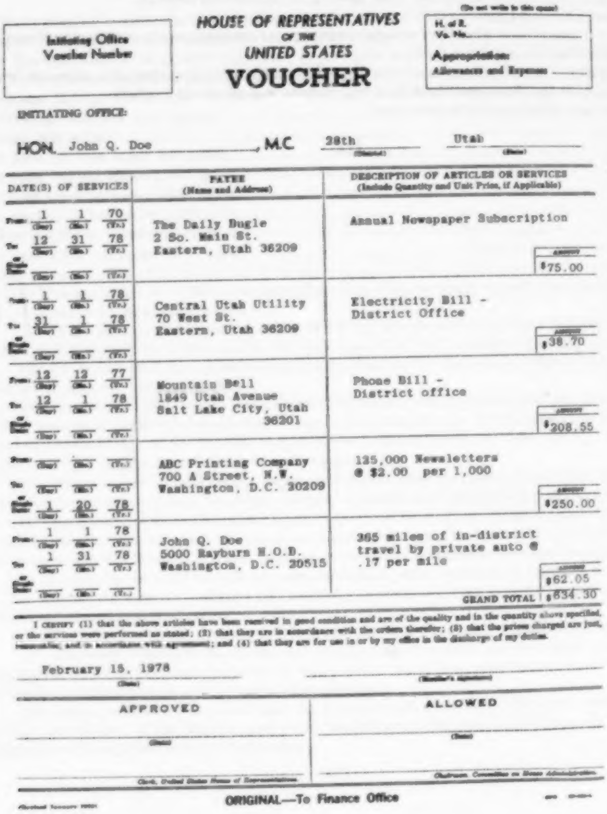
(5) Donations of any type.

(6) Dues or assessments other than to legislative support organizations approved by the Committee on House Administration.

(7) Educational expenses for courses of study, information or training programs, unless the benefit accrues primarily to the House and the skill or knowledge is not commonly available.

(8) Purchases of radio and television time

Sample Voucher—Various Expenses



(Do not write in this space)

H. of R.
Vo. No.
Appropriation:
Allowances and Expenses

Initiating Office
Voucher Number

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

INITIATING OFFICE:

HON. John Q. Doe, M.C. 28th (District) Utah (State)

DATE(S) OF SERVICES	PAYEE (Name and Address)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	AMOUNT
From: 1 (Day) 1 (Mo.) 70 (Yr.) To: 12 (Day) 31 (Mo.) 78 (Yr.)	The Daily Bugle 2 So. Main St. Eastern, Utah 36209	Annual Newspaper Subscription	$75.00
From: 1 (Day) 1 (Mo.) 78 (Yr.) To: 31 (Day) 1 (Mo.) 78 (Yr.)	Central Utah Utility 70 West St. Eastern, Utah 36209	Electricity Bill - District Office	$38.70
From: 12 (Day) 12 (Mo.) 77 (Yr.) To: 12 (Day) 1 (Mo.) 78 (Yr.)	Mountain Bell 1849 Utah Avenue Salt Lake City, Utah 36201	Phone Bill - District office	$208.55
1 (Day) 20 (Mo.) 78 (Yr.)	ABC Printing Company 700 A Street, N.W. Washington, D.C. 30209	125,000 Newsletters @ $2.00 per 1,000	$250.00
From: 1 (Day) 1 (Mo.) 78 (Yr.) To: 1 (Day) 31 (Mo.) 78 (Yr.)	John Q. Doe 5000 Rayburn H.O.B. Washington, D.C. 20515	365 miles of in-district travel by private auto @ .17 per mile	$62.05
		GRAND TOTAL	$634.30

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

February 15, 1978
(Date)

(Member's signature)

APPROVED

(Date)

Clerk, United States House of Representatives

ALLOWED

(Date)

Chairman, Committee on House Administration.

ORIGINAL—To Finance Office

E. PROVISIONS RELATING TO TRAVEL BY MEMBERS AND THEIR EMPLOYEES

1. (*a*) Members and their employees may be reimbursed for official travel.

(*b*) Forms shall be submitted to and received by the Finance Office within 30 days after the end of a calendar quarter for all travel performed in that quarter. Failure to submit timely claims will result in forfeiture of entitlement to such reimbursement unless such failure is excused by the Committee on House Administration when good cause is shown.

(*c*) Claims for actual cost of transportation by public carriers will be supported by receipts or ticket stubs showing the points of travel and cost.

(*d*) Claims for private conveyance travel will be actual mileage or the direct route mileage shown in the Rand McNally Highway Guide, plus 10 percent.

2. (*a*) Reimbursement for travel will be for the actual cost of transportation if travel is by common carrier, chartered or rented aircraft or automobile.

(*b*) Reimbursement from the travel allowance will be at the following rates per mile for private vehicles:

Automobile	$0.17
Motorcycle	.15
Airplane	.36

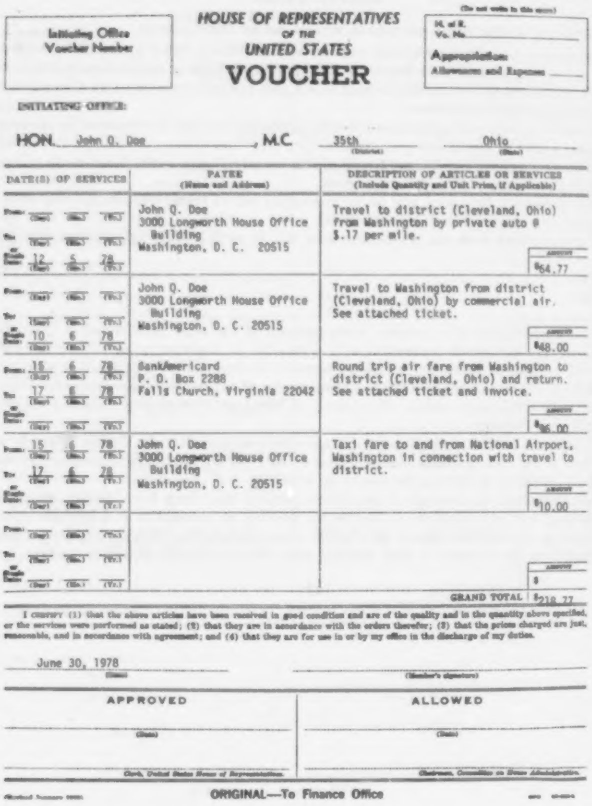
3. (*a*) In lieu of the use of a taxicab, reimbursement at the same rates stated in 2(b) above shall be paid for round trip mileage in connection with a Member or employee going from either his place of abode or place of business to a terminal, or from a terminal to either his place of abode or place of business.

(*b*) Mileage will be payable to only one of two or more Members and/or employees traveling together on the same trip and in the same vehicle. (The names of Members or employees traveling together should be stated on each travel voucher.)

(*c*) No deduction will be made from the mileage otherwise payable to the Member or employee entitled thereto by reason of the fact that other passengers (whether or not Government employees) may travel with him and contribute in defraying the operating expenses.

(*d*) Reimbursement for the cost of automobile parking fees: ferry fares; bridge, road, tunnel tolls and airport landing fees will be allowed. The fee for parking an automobile at a common carrier terminal, or other parking area will be allowed only to the extent that the fee, plus the allowable mileage reimbursement to and from the terminal or other parking area, does not exceed the cost of taxifare.

Sample Voucher for Travel



Initiating Office
Voucher Number

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

(Do not write in this space)
H. of R.
Vo. No. ______
Appropriation:
Allowances and Expenses ______

INITIATING OFFICE:

HON. John Q. Doe, M.C. 35th (District) Ohio (State)

DATE(S) OF SERVICES	PAYEE (Name and Address)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	AMOUNT
From: (Day) (Mo.) (Yr.) To: (Day) (Mo.) (Yr.) or Single Date: 12 (Day) 6 (Mo.) 78 (Yr.)	John Q. Doe 3000 Longworth House Office Building Washington, D. C. 20515	Travel to district (Cleveland, Ohio) from Washington by private auto @ $.17 per mile.	$64.77
From: (Day) (Mo.) (Yr.) To: (Day) (Mo.) (Yr.) or Single Date: 10 (Day) 6 (Mo.) 78 (Yr.)	John Q. Doe 3000 Longworth House Office Building Washington, D. C. 20515	Travel to Washington from district (Cleveland, Ohio) by commercial air. See attached ticket.	$48.00
From: 15 (Day) 6 (Mo.) 78 (Yr.) To: 17 (Day) 6 (Mo.) 78 (Yr.) or Single Date: (Day) (Mo.) (Yr.)	BankAmericard P. O. Box 2288 Falls Church, Virginia 22042	Round trip air fare from Washington to district (Cleveland, Ohio) and return. See attached ticket and invoice.	$96.00
From: 15 (Day) 6 (Mo.) 78 (Yr.) To: 17 (Day) 6 (Mo.) 78 (Yr.) or Single Date: (Day) (Mo.) (Yr.)	John Q. Doe 3000 Longworth House Office Building Washington, D. C. 20515	Taxi fare to and from National Airport, Washington in connection with travel to district.	$10.00
From: (Day) (Mo.) (Yr.) To: (Day) (Mo.) (Yr.) or Single Date: (Day) (Mo.) (Yr.)			$
		GRAND TOTAL	$218.77

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

June 30, 1978
(Date)

(Member's signature)

APPROVED

(Date)

Clerk, United States House of Representatives.

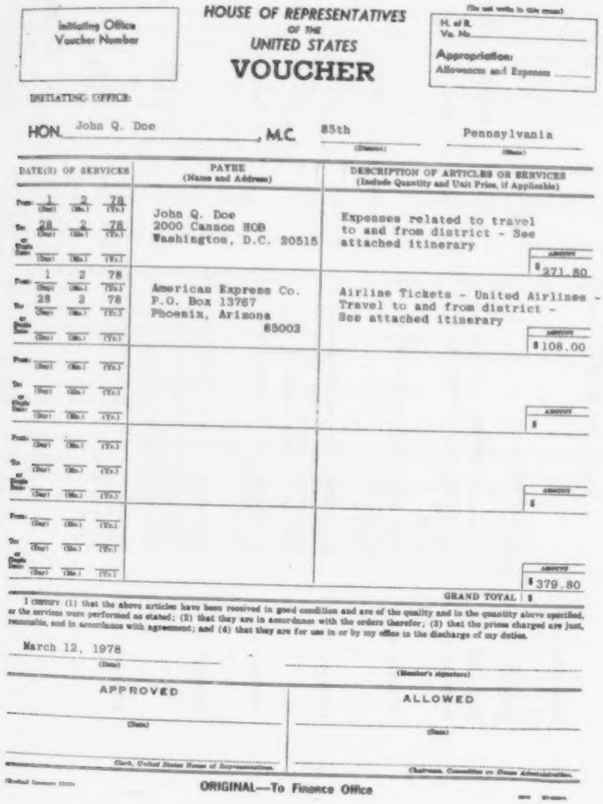
ALLOWED

(Date)

Chairman, Committee on House Administration.

[illegible] ORIGINAL—To Finance Office [illegible]

Sample Voucher for Travel—Multiple Trip



Initiating Office Voucher Number

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

(Do not write in this space)
H. of R. Vo. No.
Appropriation:
Allowances and Expenses

INITIATING OFFICE:

HON. John Q. Doe, M.C. 85th (District) Pennsylvania (State)

DATE(S) OF SERVICES	PAYEE (Name and Address)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	AMOUNT
From: 1 (Day) 2 (Mo.) 78 (Yr.) To: 28 (Day) 2 (Mo.) 78 (Yr.) or Single Date: (Day) (Mo.) (Yr.)	John Q. Doe 2000 Cannon HOB Washington, D.C. 20515	Expenses related to travel to and from district - See attached itinerary	$271.80
From: 1 (Day) 2 (Mo.) 78 (Yr.) To: 28 (Day) 2 (Mo.) 78 (Yr.) or Single Date: (Day) (Mo.) (Yr.)	American Express Co. P.O. Box 13767 Phoenix, Arizona 85002	Airline Tickets - United Airlines - Travel to and from district - See attached itinerary	$108.00
From: (Day) (Mo.) (Yr.) To: (Day) (Mo.) (Yr.) or Single Date: (Day) (Mo.) (Yr.)			$
From: (Day) (Mo.) (Yr.) To: (Day) (Mo.) (Yr.) or Single Date: (Day) (Mo.) (Yr.)			$
From: (Day) (Mo.) (Yr.) To: (Day) (Mo.) (Yr.) or Single Date: (Day) (Mo.) (Yr.)			$379.80
		GRAND TOTAL	$

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

March 12, 1978
(Date)

(Member's signature)

APPROVED	ALLOWED
(Date)	(Date)
Clerk, United States House of Representatives.	Chairman, Committee on House Administration.

ORIGINAL—To Finance Office

ITINERARY
TRAVEL FOR MONTH OF FEBRUARY

Honorable John Doe

85th
District

Pennsylvania
State

Date 1978	Itinerary	Miles	Amount	Totals
February 1	Pittsburgh, Pa. to Washington, D.C. Private Auto Tolls	242	$36.30 1.50	$ 37.80
February 4-7	Washington, D.C. to Pittsburgh, Pa. and return Private Auto Tolls	484	72.00 3.00	75.00
February 11	Washington, D.C. to Pittsburgh, Pa. Commercial Air-Ticket Attached- United Airlines Taxi to and from Terminal		36.00 15.00	51.00
February 14	Pittsburgh, Pa. to Washington, D.C. Private Auto Tolls	242	36.30 1.50	37.80
February 18-21	Washington, D.C. to Pittsburgh, Pa. and return Commercial Air-Ticket Attached- United Airlines Taxi to and from Terminal		72.00 30.00	102.00
February 25-28	Washington, D.C. to Pittsburgh, Pa. and return Private Auto Tolls	484	72.00 3.00	75.00
		Total		$379.80

F. PROVISIONS RELATING TO THE LEASE OF OFFICE EQUIPMENT

a. Leased electrical and mechanical equipment shall be furnished to Members for use in their Washington offices by the Clerk of the House from an approved list of such equipment established by the Committee on House Administration. No other equipment may be leased without the specific approval of the committee.

b. At the written request of a Member, the Clerk of the House will furnish items of equipment, the monthly cost of which is not covered by the lease agreement, provided that—

(1) The Member pays the cost in excess of the limitation;

(2) the excess cost will be for a specific item; and

(3) the leasing firm agrees in writing to send a monthly or quarterly invoice to the Member for the excess cost.

c. A lease may be terminated upon written request to the Clerk of the House thirty (30) days from the date of the request.

d. The Clerk of the House will furnish equipment to be charged jointly to the allowances of two or more Members, provided that—

(1) the leasing agreement clearly defines the allocation of the rental fee and liability for for damage or loss;

(2) the leasing agreement clearly defines the conditions for termination;

(3) the leasing agreement specifies the location of the equipment; and

(4) prior approval of the joint leasing agreement has been obtained from the Committee on House Administration.

e. Special regulations governing the leasing of equipment follow:

Automatic typewriters:

(1) A Member may retain a machine previously furnished under the purchase program of the House regardless of age, as long as it is economically feasible to keep it in working order, or he may turn it in.

(2) When a Member turns in a machine previously furnished under the purchase program, it may be replaced only through the leasing allowance.

G. PROVISIONS RELATING TO POSTAGE

The Finance office, upon submission of a voucher, will request the Postmaster of the House to
requested postage stamps.

H. PROVISIONS RELATING TO STATIONERY

(1) Each Member may withdraw a sum not to exceed $1.00 in cash from the stationery account each regular session of Congress.

(2) Billings for all items purchased from the Stationery Room and charged to a Member's account will be rendered monthly. Bills should be examined to segregate all items not of an official nature. Official charges may then be certified for charge against a Member's Allowance. A check or money order to cover non-official charges should be submitted to the Clerk of the House along with the certification of official charges.

I. PROVISIONS RELATING TO TELECOMMUNICATIONS

1. Payment of billings will be handled as follows:

(a) Telecommunications billings for District Office service should be billed to the Clerk of the House of Representatives, c/o Representative ———, at his or her office;

(b) Telecommunications billings for Washington service will be forwarded to each Member by the Clerk;

(c) These billings should be examined in the Member's office and improper charges, or charges for unofficial calls or messages, noted on the original of the bills;

(d) The original bills should be forwarded to the Finance Office, accompanied by checks for the identified unofficial service, where the cost of the official service will be charged to the Members's allowance. District Office billings must be accompanied by the appropriate voucher.

2. The Clerk of the House, without charge to the Members allowance, will pay from the Contingent Fund the FTS mileage charges associated with providing FTS service for District Offices.

3. In no case shall the allowance be used to purchase Telecommunications equipment.

4. Expenses incurred for official telecommunications outside the United States are payable under the provisions of these regulations.

5. Members are financially responsible for all Telecommunications charges incurred in his or her office(s) in excess of the allowance.

J. PROVISIONS RELATING TO DISTRICT OFFICE RENTAL

1. Each Member is entitled to suitable office space in the district he represents. Office space which is not secured by the Sergeant at Arms may be secured by the Member. Leases for commercial office space will be submitted in two copies with a cover letter to the Committee on House Administration. The District Office Lease Attachment shown on page 123 must be a part of any lease submitted to the Committee for payment for leased District Office space. The letter should contain a listing of all the leases and monthly rentals currently being charged to the Member's allowance.

2. The allowance will be charged the appropriate rental fee and other reimbursable charges for all federal office space provided by the General Services Administration.

3. Each Member is authorized to lease a Mobile Office(s) under the provisions of this allowance. Such mobile office(s) is to be used exclusively for the discharge of the official duties of the lessee. Mobile offices must remain in the Member's district except, (1) for periods when they are delivered to a service facility for maintenance and repair, (2) for the purpose of transporting the Member to a common carrier terminal from a location within the Member's district during the discharge of official duties, (3) when traveling the most direct route between two points in the district, and (4) for periods of daily storage, or (5) a specific waiver has been granted by the Committee on House Administration.

4. No sign which includes a Member's name or title may be fixed to the outside of the Member's mobile district office, unless that office is parked and open for business.

5. Payment for all leased commercial office space will be rendered at the end of each month.

6. Members shall be entitled to have their district offices outfitted with office equipment, carpeting, and draperies procured by the General Services Administration in accordance with GSA Order ADM 7800.5.

7. No Member, his relatives, or anyone with whom he has a professional or legal relationship may benefit monetarily from his district office lease.

8. If leased space is being used by the staff of a deceased or resigned Member, such space in one or more offices may be continued for the remainder of the month in which the death or the resignation occurred, plus a full month thereafter. After this period, only one office will be continued for the period of the vacancy until a successor is elected or sworn into office, except that when circumstances warrant the clerk, with the approval of the Committee on House Administration, may continue more than one office to insure an adequate level of constituent service. The clerk shall advise the staff of a deceased or resigned Member that consolidation of such office shall occur as outlined and that such staff shall be reassigned to the remaining office to perform their duties.

9. Any Member, upon leaving office (unless by expulsion), may purchase any items of office equipment or furnishings provided by the General Services Administration for use in his or her District Office. Purchases shall be in accordance with regulations prescribed by the Committee on House Administration. (See 2 U.S.C. 59a.)

This attachment must be part of any lease form submitted to the Committee on House Administration for payment of leased district office space

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DISTRICT OFFICE LEASE ATTACHMENT

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1. This District Office Lease Attachment shall be attached to, made a part of, and incorporated in each lease agreement for district office space submitted to the Committee on House Administration for payment.

2. Neither the House of Representatives nor its Officers assumes any liability for the performance of the lease agreement to which this instrument is attached. Payments made by the Clerk of the House of Representatives of amounts due the Lessor by the lessee under the terms of the lease agreement are made solely on behalf of the Member of Congress in his official and representational capacity. Such Member assumes all liability for performance of the lease to which this instrument is attached, and the Lessor agrees to look solely to the lessee, in his official and representational capacity for performance of the lease agreement.

3. The term of the lease agreement to which this instrument is attached may not exceed two years and shall in no case extend beyond the constitutional term of the Congress to which the Member is elected.

4. The total dollar amount specified in the lease agreement to which this instrument is attached, which dollar amount is payable monthly over the term of the lease agreement, shall not be varied by any factor cost of living clause, elevator clause, escalator clause, any other adjustment or measure thereof, or any additional or subsequent agreement.

5. Two copies of the lease agreement to which this instrument is attached and two copies of any termination notice given under the terms of the lease agreement, shall be sent to the Committee on House Administration, U.S. Capitol, Washington, D.C. 20515.

6. The Clerk of the House of Representatives will pay to the Lessor at the end of each month during which this lease is in effect the rent due computed in accordance with the lease to which this instrument is attached. Any payment made to the Lessor by the Clerk of the House of Representatives for any period after this lease has been terminated shall be refunded by the Lessor to the Clerk of the House of Representatives without formal demand.

7. In the event of the death, resignation, or removal from office of the lessee, this lease agreement may be terminated by the Clerk of the House of Representatives by giving thirty (30) days' notice in writing to the Lessor. The date on which such thirty days shall commence shall be the date such notice is delivered to the Lessor, unless such notice is mailed.

8. The lease to which this instrument is attached shall contain therein a provision indicating the total square footage for which payment is being made. Square footage shall be computed as follows:

> In those instances where the space involved consists of a room accessible from a public corridor, the occupiable area is computed by measuring from the inside finish of the exterior wall (or face of the convector if the convector occupies at least 50 percent of the length of the exterior wall) to the tenant's side of the corridor wall and to the tenant's side of the partitions separating the space in question from the other tenants. Occupiable area would include private toilets located within the area to be leased, as well as private corridors which exist solely for the convenience of the tenant.

9. Any portion of the lease agreement to which this instrument is attached or any subsequent or additional agreements which are inconsistent with paragraphs one (1) through eight (8) of this instrument shall be of no force and effect to the extent of such inconsistency.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the ____ day of ____________, 19__

________________________	________________________
(Lessor)	*(Lessee)*

____

Reviewed and approved as to form by the Committee on House Administration

Signed ________________________ Date ________________________

K. PROVISIONS RELATING TO MASS MAILINGS

1. Mass mailings may not be sent under the frank less than 60 days prior to a primary or general election in which the Member is a candidate.

2. A Member who is a candidate for any office—other than reelection—may not send a mass mailing under the frank to any area represented by that office which is outside the Member's Congressional district.

3. Postal patron mailings must be sent by the most economical means.

4. The total number of mass mailings may not exceed the equivalent of six district wide mailings.

5. A sample of any postal patron mailing must be submitted to the Commission on Congressional Mailing Standards for an advisory opinion prior to mailing.

6. All production costs of preparing and printing mass mailings must be paid from appropriated funds in order to be frankable.

7. Material which is self-laudatory may not be franked unless incidental to the article and does not comprise a substantial portion of the text.

L. PROVISIONS RELATING TO COMPUTER SERVICES

1. The Committee on House Administration has authority concerning policy, organization, initiatio operation and evaluation of all matters concerned with information processing and communications as the relate to mechanization, automation, computerization, or related functions.

2. Each Member is authorized to acquire information and computer services and equipment consiste with the general provisions governing the allowance for official expenses. Two copies of each lease o contract for information and computer services or equipment will be submitted with a cover letter to th Committee on House Administration. In addition, the standard provisions governing information and con puter services shown on page 126 must be a part of any agreement submitted to the Committee for payme for information and computer services.

3. Members may submit requests to the Committee on House Administration for assistance and consul tation in defining their requirements for information and computer services and related equipment.

M. PROVISIONS RELATING TO OTHER OFFICIAL EXPENSES

All other official expenses are those that would qualify as ordinary and necessary business expenses incurred in support of the official and representational duties of the Member unless such expense has been specifically prohibited elsewhere in these regulations. For guidance as to what constitutes an ordinary and necessary business expense Members should use the criteria established by the Committee on House Administration and the Internal Revenue Service.

N. PROVISIONS RELATING TO TRANSFERABILITY

Members may elect to reduce the Clerk-Hire Allowance by up to $15,000 per regular session of Congress and increase the Official Expense Allowance by a like amount. Such election is accomplished by executing the form shown on page 129. The election may be made monthly, quarterly, semiannually or annually. The election when once made remains in force for the balance of the session. For maximum flexibility the election should be made on a monthly basis.

AUTHORIZATION FOR TRANSFER OF ALLOWANCES

U.S. House of Representatives

INITIATING OFFICE:

Honorable John Q. Doe
2000 L.H.O.B.
(Address)
Washington, D.C. 20515

(Finance Office Use Only)

Transfer Processed ____________
(Initial and Date)

Input ____________

Ver ____________

The Clerk of the House of Representatives is authorized to reduce my Clerk-Hire Allowance by $ 1500 and increase the Official Expense Allowance by $ 1500. The reduction of Clerk-Hire will be in accordance with the following monthly schedule:

Jan. $	Apr. $	July $	Oct. $
Feb. $	May $	Aug. $	Nov. $
Mar. $ 1500	June $	Sept. $	Dec. $

NOTE: Clerk-Hire may only be reduced in current and subsequent months. Prior months are not available for reduction. Authorization to reduce may be made on 2 monthly, quarterly, semiannual or annual basis and may not exceed $15,000 per year.

Date March 5, 19 7

____________ M.C.

25 (District) Delaware (State)

APPROVED	ALLOWED
____________ (Date)	____________ (Date)
____________ Clerk, United States House of Representatives	____________ Chairman, Committee on House Administration

ORIGINAL—To Finance Office

O. ACCOUNTING SYSTEM FOR MEMBERS

The accounting system detailed below is designed to provide Members with a standard and uniform method for tracking authorized allowances and related expenses. The system utilizes a single General Journal in which authorized allowances and related expenses are recorded and which enables a Member to readily determine amounts expended and balances remaining in the various allowances. The procedures illustrated may be supplemented to provide for the special circumstances of any Member.

1. GENERAL JOURNAL

All transactions are recorded in the journal directly from the voucher or other document approved by the Member. The journal is designed for recording expenditures and serves as both the chronological record of transactions and the ledger of accounts. The illustration shown is of a sample journal with entries made for two separate months. One example shows the two allowances with no further detail while the second example shows a subdivision of the official expenses allowance shredded into several subheadings which provides more information on the types of expenses that are involved.

2. SAMPLE ENTRIES

Entries are made based upon vouchers or other documents. Each voucher should be assigned a number and the number and date should be entered in the *Upper Left-Hand* corner of the voucher and numbers should run in numerical sequence through the year.

The illustration shows the following entries on the lines indicated:

(1) *Authorization.*—This line shows the initial posting of the Members annual allowance entitlements. This posting should be made in red to distinguish it from the subsequent expense postings.

(2) *Transfer of Clerk-Hire.*—This line shows the reduction of clerk-hire and the corresponding authorization of the Official Expenses Allowance. The authorization portion of the entry is made in red.

(3–10) The subsequent eight entries show the payment of assorted vouchers for travel, telephone, etc. It should be noted that no voucher is assigned to the payroll, office equipment lease, stationery or office lease. The figures shown are taken from the monthly listings provided by the Clerk.

(11) *January Totals.*—This line shows the total expenses for the month. Note that transfers are considered expenses to the individual allowance in the month in which they occur.

(12–13) *Balance Remaining.*—This line represents the difference between the expenses for the month and the Authorizations or Transfers In (the entries made in bold type). The Balance Remaining figures should be entered in red.

(14–25) The next twelve entries show another transfer to Official Expenses and the payment of assorted expenses. These are similar to the entries shown for January, except that expenses are shredded into several subgroupings.

The Clerk of the House will furnish each Member with a monthly Statement of Accounts which will show Expenditures and Balances Remaining according to the records maintained by the Finance Office. This Statement should be reconciled with the Member's books and any differences resolved immediately.

ILLUSTRATIVE GENERAL JOURNAL—MEMBER

JOHN DOE, M.C.

[Amounts in dollars]

Line	Date of voucher	Voucher number and payee	Allowances	
			Clerk hire	Official expenses
1	Jan. 3	Authorization	**273, 132. 00**	**54, 985. 16**
2	Jan. 3	Transfer to official allowance	1, 000. 00	**1, 000. 00**
3	Jan. 14	76-1 J. Doe—travel to district Jan. 9-12		190. 00
4	Jan. 14	76-2 Speedy rental—leased car in district		84. 75
5	Jan. 25	76-3 Computer Services, Inc.		1, 000. 00
6	Jan. 25	76-4 South Central Bell		65. 00
7	Jan. 31	Miscellaneous stationery		200. 00
8	Jan. 31	Jenkins Realty		500. 00
9	Jan. 31	Staff salary	15, 000. 00	
10	Jan. 31	Office equipment lease		500. 00
11		January total	16, 000. 00	2, 539. 75
12	Feb. 1	Balance remaining	**256, 371. 00**	**53, 445. 41**

NOTE.—*Figures to be entered in RED are indicated by boldface type.*

Illustrative General Journal—Member—Continued

[Amounts in dollars]

Line	Date of voucher	Voucher number and payee	Allowances			Office lease	Equipment lease	Telecommunications	Stationary	Mass mailings	Computer services	Other expenses
			Clerk hire	Total	Travel							
13	July 1	Balance remaining	**136, 566. 00**	**36, 537. 66**								
14	July 1	Transfer to Official expenses	1, 500. 00	**1, 500. 00**								
15	July 7	79-61 J. Doe—travel to district June 29–July 5		190. 00	190. 00							
16	July 10	76-92 Rapid Printing—Newsletter		2, 596. 00						2, 596. 00		
17	July 14	76-93 Alice Brown—travel to district July 7-12		190. 00	190. 00							
18	July 25	76-94 Computer Services, Inc		1, 500. 00							1, 500. 00	
19	July 26	76-95 South Central Bell		256. 00				256. 00				
20	July 31	Miscellaneous stationary		100. 00					100. 00			
21	July 31	Jenkins Realty		500. 00		500. 00						
22	July 31	76-96 J. Doe—travel to district July 26–29		190. 00	190. 00							
23	July 31	76-97 J. Doe—miscellaneous expenses		250. 00								250. 00
24	July 31	Staff salary	16, 250. 00									
25	July 31	Office equipment lease		1, 120. 00			1, 120. 00					
26		July total	17, 750. 00	6, 892. 00	570. 00	500. 00	1, 120. 00	256. 00	100. 00	2, 596. 00	1, 500. 00	250. 00
		Balance remaining	**113, 805. 00**	**31, 145. 66**								

Note.—Figures to be entered in RED are indicated by boldface type.

P. OTHER ALLOWANCES

1. EQUIPMENT PURCHASE ALLOWANCE

a. Electrical and mechanical equipment is purchased and owned by the House of Representatives and is furnished under a purchase allowance to Members for use in their Washington offices. Office equipment so furnished is limited to those types and categories which the Committee on House Administration shall prescribe.

b. The total value of such equipment in use in a Member's office under the purchase allowance at any one time shall not exceed $5,500.

c. The value of each item of equipment furnished under the above limitations is the initial cost of the article less the amount of depreciation, determined on a 10-year straight line basis.

d. At the request of a Member, the Clerk of the House will furnish items of equipment, the cost of which is in excess of the limitations established by these regulations, provided that—

(1) the Member pays the cost in excess of the limitation; and

(2) the Member agrees in writing that title to the equipment will rest with the House of Representatives and that the Member will claim no equity whatever in the equipment.

e. The Clerk of the House will not furnish purchased equipment to be charged jointly to the allowances of two or more Members.

f. The Clerk of the House will not purchase used equipment for use by a Member unless such equipment is fully covered by warranty as new equipment of the same type.

g. When a new Member is elected to Congress he will inherit the equipment charged to his predecessor subject to the following conditions:

(1) The inherited equipment will be retained by the new Member for a period of at least 60 days following his taking the oath of office.

(2) From 60 to 90 days after his taking the oath of office, a Member may dispose of any equipment that has proven excessive or otherwise unsatisfactory. Requests for disposition will be made in writing to the Clerk of the House.

(3) After 90 days from the Member's oath of office, such equipment will be disposed of in accordance with the procedures outlined in paragraph **h**.

h. Equipment furnished under the purchase program will be disposed of as follows:

(1) Requests for disposition are to be made in writing by Members to the Clerk of the House, and by the Chairmen of Committees and Officers of the House to the Committee on House Administration.

(2) The equipment, except manual typewriters, will be turned in to the Clerk of the House for disposal, only (i) if the condition is such that it is not economically feasible to keep the item operating; (ii) if the item has become obsolete due to substantial design changes; or (iii) if the item is fully depreciated. Manual typewriters may be turned in at any time.

(3) The Clerk of the House will examine the equipment to determine whether it meets the criteria for disposal.

(4) Disputes with the Clerk of the House as to the determination of whether an item meets the criteria for disposal may be submitted to the Committee on House Administration for hearing.

(5) The Clerk of the House will dispose of worn out or obsolete equipment only through the General Services Administration.

(6) If a member has equipment which is surplus to his needs, but which does not qualify for disposal, he may, upon notification to the Clerk of the House, arrange with a Member who desires the item, to transfer it to the other Member's account at the depreciated value.

i. All equipment furnished under the purchase program will be subject to the following inventory procedures:

(1) At the beginning of each session of Congress, the Clerk will send a list (in duplicate) to each Member, committee, or office of the House, showing assigned equipment. Each Member, Chairman of a committee or top official of an office, will return one copy to the Clerk certifying that the items are in his office. If the certification is not received within 30 days the Clerk will conduct a physical inventory of the equipment so charged.

(2) When a Member has been defeated in an election, or otherwise leaves office, the Clerk will conduct an immediate physical inventory of the equipment assigned to that Member's office. If the departing Member is a committee chairman, the Clerk will also inventory the equipment assigned to the committee. In any periods during which a vacancy exists in a congressional district, a committee chairmanship or House office, the staff employee in charge of operations in the vacated office is responsible for the assigned equipment.

(3) In the event of the change of the majority in the House, there shall be an immediate physical inventory of the offices affected.

2. MILEAGE ALLOWANCE

Each Member shall receive an amount equivalent to 20 cents per mile for mileage to be estimated by the nearest route usually traveled in going to and returning from each regular session. Payment will be credited upon the receipt of Member's authorization to the Member's account by the Sergeant at Arms at the beginning of each session. The estimate of the nearest route shall be based upon the Rand McNally Highway Mileage Guide plus 10 percent.

Q. REGULATIONS ON REMOVAL OF OR LOSS OF OR DAMAGE TO EQUIPMENT

1. REMOVAL OF EQUIPMENT

The removal of office equipment, other than dictating equipment, from its assigned Washington office, is prohibited except for repairs by authorized dealers. Interoffice moves of equipment will be accomplished only by the Office Equipment Service, Office of the Clerk.

2. DAMAGED OR LOST EQUIPMENT

a. When, through inventory or other means, it is determined that an item of equipment is damaged or lost, the Member should inform the Clerk of the House by letter, explaining the circumstances surrounding the loss of the item, or if damaged, how such damages occurred. Upon receipt of this letter, the Clerk will order an investigation of the occurrence in an effort to locate the missing item or items and ascertain the circumstances surrounding the loss or damage. At the completion of the investigation, the Clerk will send to the Committee on House Administration a copy of the letter, a copy of the investigation report (including an objective statement as to the cause of the loss or damage) and a letter indicating the value of the item at the time it was discovered missing, or if damaged, the extent of the damage, the result of his investigation, and his action to dispose of the case.

b. If it is determined that the Member is liable he or she will be charged with the GSA established trade-in value or the depricated book value of the item, whichever is higher. Liability will be determined on the facts supporting each case. In cases involving the loss of or damage to an item while the equipment is outside the assigned office, the Member will be held liable.

c. The Clerk's decision as to liability shall be final and binding unless, within 30 days, the Member requests a hearing before the Committee on House Administration.

d. If payment of a charge levied against a Member is not made within 30 days of the date of final decision, the office equipment allowance of the Member will be suspended until the charge is paid or the missing equipment is produced. If a charge is made against a Member or responsible official leaving the House payroll for any reason, payment will be deducted from his final paycheck.

e. The equipment will be dropped from the inventory and limitation records when payment is made or when the Member is absolved of liability by the Committee on House Administration.

f. A Member is liable for damaged or lost equipment on the same basis for both purchased and leased equipment.

R. INFORMATION TO MEMBERS

1. COMPENSATION

(*a*) *Salary.*—The annual salary of Members of Congress is $57,500. Payment can be made by check to the Member, or deposited directly into the Member's checking account with the House Sergeant at Arms.

(*b*) *Health Insurance* (Optional).—Information on various insurance plans is available from the Sergeant at Arms. A Health Benefits Registration form must be submitted to the Sergeant at Arms regardless of election or declination of coverage.

(*c*) *Life Insurance.*—Life insurance is provided automatically for Members under the Federal Employees Group Life Insurance Act, unless specifically declined. Coverage commences on the date on which a Member takes office.

—Monthly premiums are deducted from a Member's paycheck.

—Additional life insurance is available at additional cost.

(*d*) *Retirement.*—MEMBERS OF CONGRESS DO NOT PARTICIPATE IN THE SOCIAL SECURITY PROGRAM.

—The Civil Service Retirement System is available to Members.

—If a Member elects participation in the Civil Service Retirement plan, a monthly 8 percent payroll deduction is made automatically.

(*e*) *Disability.*—Benefits will be paid to Members who become ill or are injured in the performance of job responsibilities.

—Benefits include both medical care and monetary payments, as well as survivor benefits in the case of death.

INQUIRIES ABOUT SPECIFIC SITUATIONS INVOLVING SALARY, HEALTH INSURANCE, LIFE INSURANCE, RETIREMENT OR DISABILITY SHOULD BE DIRECTED TO THE SERGEANT AT ARMS, H-124, U.S. CAPITOL.

2. MEDICAL ATTENTION

(*a*) Physicians, registered nurses and medical technicians are provided through the Attending Physicians office for Members' medical needs, in room H-166, U.S. Capitol, ext. 55421.

(*b*) Office hours are as follows:
Monday through Friday: 9:00-5:00 (or until adjournment).
Saturday: 9:00-12:30.
Answering service provides 24 hour coverage.

(*c*) Members are encouraged to open a medical record with the Attending Physician. Medical information may be exchanged between the Attending Physician and a Member's private physican.

(*d*) Consultation with Walter Reed Army Hospital, Bethesda Naval Hospital, and private physicians can be arranged, with hospitalization at Office of Management and Budget rates.

(*e*) Emergency resuscitation equipment, Ambulance service, Complete laboratory, X-rays, Pharmacy, Physiotherapy, Electrocardiogram, Immunization, and Allergy services are provided.

(*f*) A referral list of physicians and clinics is manufactured for families of Members and staff.

(*g*) First Aid rooms are located in each office building and are attended by registered nurses. First

Aid rooms are located at:
101 Cannon
1731 Longworth
B-344 Rayburn
S-154 U.S. Capitol
G-317 Dirksen
[illegible] Russell
3165 House Annex #2

3. FINANCIAL DISCLOSURE

Pursuant to Rule XLIV of the Rules of the House of Representatives, Members and Officers of the House (as well as professional staff of committees and certain other staff assistants designated by Members) must file annual financial disclosure reports. Deadline for filing is April 30. For additional information contact, Committee on Standards of Official Conduct, Room 2360 Rayburn.

4. PROHIBITED ACTIVITIES

Members of Congress are prohibited from

(a) Employing relatives—5 U.S.C. 3110 reads as follows:

"§ 3110. **Employment of relatives; restrictions**

"(a) For the purpose of this section—

"(1) 'agency' means—

"(A) an Executive agency;

"(B) an office, agency, or other establishment in the legislative branch; and

"(C) an office, agency, or other establishment in the judicial branch;

"(D) the government of the District of Columbia;

"(2) 'public official' means an officer (including the President and a Member of Congress), a member of the uniformed service, an employee and any other individual, in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals, or to recommend individuals for appointment, employment, promotion, or advancement, in connection with employment in an agency; and

"(3) 'relative' means, with respect to a public official, an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

"(b) A public official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, in or to a civilian position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a civilian position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.

"(c) An individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay and money may not be paid from the Treasury as pay to an individual so appointed, employed, promoted, or advanced.

"(d) The Civil Service Commission may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

“(e) This section shall not be construed to prohibit the appointment of an individual who is a preference eligible in any case in which the passing over of that individual on a certificate of eligibles furnished under section 3317 (a) of this title will result in the selection for appointment of an individual who is not a preference eligible.”

(*b*) Accepting Excessive Honorariums—2 U.S.C. 441i reads as follows:

“§ 441i. ACCEPTANCE OF EXCESSIVE HONORARIUMS.

“No person while an elected or appointed officer or employee of any branch of the Federal Government shall accept—

“(1) any honorarium of more than $2,000 (excluding amounts accepted for actual travel and subsistence expenses for such person and his spouse or an aide to such person, and excluding amounts paid or incurred for any agents' fees or commissions) for any appearance, speech, or article; or

“(2) honorariums (not prohibited by paragraph (1) of this section) aggregating more than $25,000 in any calendar year.

“(P.L. 92-225, title III, § 328, as added by P.L. 94-283, title I, § 112(2), May 11, 1976, 90 Stat. 494.)”

(*c*) Accepting Foreign Gifts and Decorations (with certain exceptions) See 5 U.S.C. 7342. For specific information contact GAO Congressional Relations Office, Protocol Office of the Department of State, or Committee on Standards of Official Conduct.

(*d*) Members should be mindful that many other laws incorporate provisions prohibiting certain activities by Members of Congress. A great number of the prohibitions are intended to avoid conflicts of interest and possible breaches of ethics. Similar activities by non-Members of Congress are often wholly legitimate and acceptable practice. Attorneys in particular should be mindful of restrictions upon practice before various agencies and courts in any case in which the U.S. Government is a party. Questions concerning specific factual situations should be directed to the Committee on Standards of Official Conduct, Room 2360 Rayburn.

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The following are the 1978 revisions to the text of the Regulations and Accounting Procedures; promulgated by committee order:

Regulations and Accounting Procedures for Allowances and Expenses of Committees, Members and Employees of the U.S. House of Representatives

(Ninety-Fifth Congress)
(Revision No. 1)

The attached pages numbered 6, 42, 62, 73, 77, 111, 113, 115, 116, 117, 118, 126, and 136, have been revised effective 1/9/78, and are to replace existing pages 6, 42, 62, 73, 77, 111, 113, 115, 116, 117, 118, 126, and 136, in your Regulations Manual.

Authority, Committee on
House Administration

PART II. REGULATIONS PERTAINING TO COMMITTEES

A. FUNDING RESOLUTIONS

The Committee on House Administration has adopted the following procedures for consideration of resolutions which would authorize funds for the operations of Committees.

1. Drafting a Funding Resolution:

a. The first funding resolution of a Congress, introduced by a Committee should incorporate an effective date of "January 3," if that resolution makes a request for funds for the entire session.

b. Any subsequent funding resolutions introduced should be drafted to reflect the fact that the funds requested are "for the further" expenses of the Committee.

2. Pertinent Information Regarding Funding Resolutions:

a. All funding resolutions expire immediately prior to noon on January 3, unless specifically provided otherwise, regardless of their effective date.

b. Unexpended balances remaining upon the expiration of a funding resolution will revert to the Contingent Fund of the House of Representatives when all outstanding obligations have been satisfied.

c. Each funding resolution will be for the *total* requirements of the Committee for the period of the resolution.

d. Funding resolutions may provide for the temporary or intermittent services of consultants, and for specialized training for professional staff employees. (See sample resolutions p. 7, 8, and 9. See also, Part II, G and Part II, H, pages 72 and 74.)

e. No part of the funds authorized for studies and investigations to be conducted by any standing or select committee of the House shall be available for expenditures in connection with the study or investigation of any subject which is being investigated for the same purpose of any other committee of the House. The chairman of any committee contemplating such study or investigation shall furnish the Committee on House Administration information with respect to the study or investigation intended to be financed from that committee's investigating funds.

3. Procedure for Consideration of Resolutions by the Committee on House Administration:

a. The chairman of the committee requesting funds should address a letter to the Chairman of the Committee on House Administration requesting that a hearing be scheduled on the resolution. At the same time, 80 copies of the committee's proposed budget and statement in justification thereof should be transmitted to the Committee on House Administration. This budget and statement of justification shall as a minimum include a narrative outlining anticipated activities, a budget broken down into categories of expenditure, the prior period's budget and actual expenditures by category (provided by GAO) and a list of current committee employees.

b. The Chairman of the Committee on House Administration will transmit copies of the proposed budget to each member of the Subcommittee on Accounts for study and consideration. A hearing will then be scheduled by the Chairman of the Subcommittee on Accounts.

c. Both Majority and Minority Members of a Committee requesting funds are to be represented at a hearing before the Subcommittee on Accounts. It is the policy of the Committee on House Administration to ascertain, beforr taking action upon any request for funds, that the entire membership of a committee seeking funds has been consulted.

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Sample Employee's Withholding Allowance Certificate—Page 2

FEDERAL INFORMATION AND INSTRUCTIONS (Guideline Only)

Page 2

The Following Information is Provided in Accordance with the Privacy Act of 1974

The Internal Revenue Code requires that every employee shall furnish his or her employer with a signed withholding exemption certificate relating to the number of withholding exemptions which the employee claims (section 3402(f)(2)(A) and the Regulations thereto). Individuals are required to provide their Social Security Number for proper identification and processing (section 6109 and the Regulations thereto).

The principal purpose for soliciting withholding exemption certificate information is to administer the Internal Revenue laws of the United States.

If an employee does not furnish a signed withholding exemption certificate, the employee is considered as claiming no withholding exemptions (section 3401(e)) and shall be treated as a single person (section 3402(l)).

The routine uses of the withholding exemption certificate information include disclosure to the Department of Justice for actual or potential criminal prosecution or civil litigation.

Table for Determining Number of Withholding Allowances Based on Itemized Deductions

Estimated salaries and wages	Number of additional withholding allowances for the amount of itemized deductions shown in the appropriate column (See Line i on other side)												
	0	1		2		3		4		5		6*	
Part I Single Employees	Under	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than	At least	But less than
Under $10,000	$2,200	$2,200	$2,950	$2,950	$3,700	$3,700	$4,450	$4,450	$5,200	$5,200	$5,950	$5,950	$6,700
10,000–15,000	2,500	2,500	3,250	3,250	4,000	4,000	4,750	4,750	5,500	5,500	6,250	6,250	7,000
15,000–25,000	2,800	2,800	3,550	3,550	4,300	4,300	5,050	5,050	5,800	5,800	6,550	6,550	7,300
25,000–30,000	3,200	3,200	3,950	3,950	4,700	4,700	5,450	5,450	6,200	6,200	6,950	6,950	7,700
30,000–35,000	4,000	4,000	4,750	4,750	5,500	5,500	6,250	6,250	7,000	7,000	7,750	7,750	8,500
35,000–40,000	5,000	5,000	5,750	5,750	6,500	6,500	7,250	7,250	8,000	8,000	8,750	8,750	9,500
40,000–45,000	6,500	6,500	7,250	7,250	8,000	8,000	8,750	8,750	9,500	9,500	10,250	10,250	11,000
45,000–50,000**	8,000	8,000	8,750	8,750	9,500	9,500	10,250	10,250	11,000	11,000	11,750	11,750	12,500
Part II Married Employees (When Spouse Is Not Employed)													
Under $15,000	2,900	2,900	3,650	3,650	4,400	4,400	5,150	5,150	5,900	5,900	6,650	6,650	7,400
15,000–35,000	3,400	3,400	4,150	4,150	4,900	4,900	5,650	5,650	6,400	6,400	7,150	7,150	7,900
35,000–40,000	3,700	3,700	4,450	4,450	5,200	5,200	5,950	5,950	6,700	6,700	7,450	7,450	8,200
40,000–45,000	4,300	4,300	5,050	5,050	5,800	5,800	6,550	6,550	7,300	7,300	8,050	8,050	8,800
45,000–50,000**	5,200	5,200	5,950	5,950	6,700	6,700	7,450	7,450	8,200	8,200	8,950	8,950	9,700
Part III Married Employees (When Both Spouses Are Employed), and other employees who are holding more than one job													
Under $10,000	3,200	3,200	3,950	3,950	4,700	4,700	5,450	5,450	6,200	6,200	6,950	6,950	7,700
10,000–12,000	3,700	3,700	4,450	4,450	5,200	5,200	5,950	5,950	6,700	6,700	7,450	7,450	8,200
12,000–15,000	4,200	4,200	4,950	4,950	5,700	5,700	6,450	6,450	7,200	7,200	7,950	7,950	8,700
15,000–20,000	5,000	5,000	5,750	5,750	6,500	6,500	7,250	7,250	8,000	8,000	8,750	8,750	9,500
20,000–25,000	5,600	5,600	6,350	6,350	7,100	7,100	7,850	7,850	8,600	8,600	9,350	9,350	10,100
25,000–30,000	6,200	6,200	6,950	6,950	7,700	7,700	8,450	8,450	9,200	9,200	9,950	9,950	10,700
30,000–35,000	7,100	7,100	7,850	7,850	8,600	8,600	9,350	9,350	10,100	10,100	10,850	10,850	11,600
35,000–40,000	7,900	7,900	8,650	8,650	9,400	9,400	10,150	10,150	10,900	10,900	11,650	11,650	12,400
40,000–45,000	8,900	8,900	9,650	9,650	10,400	10,400	11,150	11,150	11,900	11,900	12,650	12,650	13,400
45,000–50,000**	10,200	10,200	10,950	10,950	11,700	11,700	12,450	12,450	13,200	13,200	13,950	13,950	14,700

*7 or More Allowances: If your itemized deductions exceed the amount shown in Column 6 (above), you may claim 6 allowances plus one more for each $750 or fraction thereof of itemized deductions in excess of the amounts shown in Column 6 for your salary and wage bracket.

**When annual salary or wage exceeds $50,000, "0" column amounts may be determined as follows: for single employees (Part I)—22% of their annual salary; for married employees whose spouse is not employed (Part II)—15% of their annual salary; and for married employees when both spouses are employed and other employees who are holding more than one job (Part III)—24% of their combined annual salary. An additional withholding allowance may be claimed for each $750 or fraction thereof by which itemized deductions exceed the "0" column amount determined in this manner.

HOW TO USE THE TABLE

If you expect to itemize deductions for the current year, you may be entitled to claim additional withholding allowances (line i) and thus avoid having too much tax withheld. Your employer will treat each such allowance as a withholding exemption. The amount of itemized deductions for the current year cannot exceed the amount of itemized deductions (or standard deduction) claimed on your return for the preceding year (or 2nd preceding year if you have not yet filed your return for the preceding year), plus additional determinable deductible amounts.

These additional allowances will remain in effect until you file a new employees withholding allowance certificate with your employer. For detailed information on allowable itemized deductions, see Form 1040 instructions.

1. Find the line in the table that includes your estimated salary and wage amount and that shows your status as either a single employee (Part I), a married employee whose spouse is not employed (Part II), or a married employee whose spouse is also employed (Part III). Also, use Part III if you are an employee who is holding more than one job concurrently.

2. Read across that line until you find the column that includes the amount of your estimated itemized deductions.

3. Note the number of allowances shown at the top of the column. This is the maximum number of additional withholding allowances you may claim on line i.

Married Couples.—If you and your spouse are both employed and file a joint return, determine your withholding allowances based on your combined wages and deductions. If you file a joint return and your spouse is not employed, use Part II. If you are filing a joint return and both are employed, use Part III to determine the total number of withholding allowances to which you are jointly entitled (you may allocate such withholding allowances between yourselves). However, if in your last filing you filed separate returns, and if you expect to file separately this year, each of you must make your determination on the basis of your own wages and deductions and determine the number of withholding allowances for each from Part III.

(Rev. 1/8/75)

ase of a Member who is called back to Washington for committee hearings or specific conferences during an djournment of Congress pursuant to a Concurrent Resolution, per diem will be allowed for travel time be- ween the Member's home and Washington. D.C., and for each day occupied in committee hearings or onferences.

(2) Committee members and employees will not be paid per diem within a 100 mile radius of locations here they maintain a permanent residence. However, reimbursement for actual expenses for food, lodging nd other allowable expenses may be made when approved by the committee chairman and receipts are pro- ided. Such reimbursement may not exceed the established rate of per diem.

g. (1) The date of departure from and arrival at the official station, or other place at which official ravel begins and ends, and points at which temporary duty is performed will be shown on the travel oucher where such arrival or departure affects the per diem allowance or other travel expenses. Other oints visited should be shown on the voucher.

(2) If duty at a particular place within the traveler's itinerary is prolonged beyond a period of 30 ays, travel vouchers submitted before return should state the approximate period to be covered by his assign- ent at such place, or the approximate date of return to official station or both, as well as any other per- nent facts which will tend to show that his assignment at such place is of a temporary nature.

8. OTHER EXPENSES

a. (1) Telephone, telegram, cablegram, radiogram and other communications services for official busi- ess may be utilized.

(2) Government-owned communications facilities should be utilized where practicable. If not avail- ble, the cheapest practicable commercial service should be used.

b. When necessary to engage a room at a hotel or other place in order to transact official business, charges erefor will be allowed when authorized or approved.

c. Government property not classed as baggage and not admissable to the mails may be shipped by press or freight.

d. The following items may be authorized or approved when related to travel outside the limits of the nited States and its territories or possessions:

(1) Commissions for conversion of currency;

(2) Costs of traveler's checks;

(3) Fees in connection with the issuance of passports or visas (such charges shall include, but not be limited to photographs for passports and visas; certificates of birth, health and identity; and other affidavits);

(4) Charges for innoculation which cannot be obtained through a Federal dispensary.

e. Charges for the following services will be paid when authorized or approved:

(1) Stenographic or typewriting services;

(2) Rental of business machines;

(3) Services of guides or interpreters;

(4) Storage of property outside Washington, D.C.

9. TRAVEL VOUCHERS

a. All persons authorized to travel on business for the House of Representatives should keep a memoran- m of expenditures properly chargeable to the Government. The memorandum should note each item at the e the expense is incurred, together with the date. The information thus accumulated will be available for proper preparation of travel vouchers.

b. (1) All claims for the reimbursement of traveling expenses will be submitted on authorized reim- sement forms and must be itemized and stated in accordance with these regulations.

(2) Claims shall be submitted to and received by the Finance Office within 30 days after the end of a endar quarter for all travel performed in that quarter. Failure to submit timely claims will result in for- ture of entitlement for such reimbursement, unless such failure is excused by the Committee on House inistration when good cause is shown.

CONTRACT AGREEMENT

THIS AGREEMENT is made and entered into this 8th day of June, 197,

by and between the Committee on ABC

of the U.S. House of Representatives, hereinafter referred to as the Committee, and

Dr. Robert E. Smith

(Name of contractor)

hereinafter referred to as the Contractor, subject to the approval of this Agreement by the Committee on House Administration of the U.S. House of Representatives.

It is hereby agreed that the Committee under authority of House Resolution ______ approved March 16, 197 95th Congress, retain the Contractor to render the following services: To organize the unpublished hearings of the Committee for the period 1945 to 1974 and edit and prepare summaries for use by the Committee in framing legislation to establish a new foreign policy for the U.S. Will consult from time to time with the Chairman and members of the Committee to provide advice on legislation based on Dr. Smith's extensive background in foreign affairs as a Professor of International Relations at Columbia University.

It is understood, however, that the Chairman of the Committee, reserves the right to terminate this Agreement at any time. In such cases, the payment shall be based upon work performed.

The Committee further agrees to pay the said Contractor for all such contractual services rendered, a sum not to exceed $15,000 plus, authorized traveling expenses. It is further agreed that payment for such contractual services may be paid on a partial basis from time to time and in such amounts as the Chairman of the Committee may approve.

The Contractor further agrees and warrants that it:

1. Has not employed any person to solicit or obtain this Agreement for any commission, percentage, brokerage, or contingent fee;
2. Will save the Government harmless from liability in performance;
3. Will release no information obtained in carrying out the provisions of the Contract without prior consent of the contracting Committee;
4. Will not subcontract or assign elsewhere any of the work or service involved without prior consent of the contracting Committee; and
5. Will not discriminate in its performance of this Agreement because of race, creed, color, sex, or national origin and shall comply with all laws appertaining to the compensation for labor.

The Contractor further agrees and warrants that it will fully complete its services to the Committee hereunder not later than the 31st day of December, 197, unless said date shall be extended by mutual agreement of the parties to this Agreement with the approval of the said Committee on House Administration.

No Member or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part in this Contract or to any benefit that may arise therefrom.

Approved by the Committee on House Administration of the U.S. House of Representatives:

Frank Thompson, Jr. *Chairman*

Dated: June 28, 197

[CORPORATE SEAL]

Committee on ABC

Chairman John O. Brown, M.C.

Fred L. Smith, M.C.

Ranking Minority Member

Dr. Robert E. Smith

Contractor (Individual or Partnership)

Department of International Relations

(Address)

Columbia University, New York, NY 10073

(Address)

Contractor (Corporation)

(Business Address)

By:

(Title)

(To be submitted in quintuplicate to the Committee on House Administration)

(See instructions on the reverse side.)

(Rev. 1/1/7)

K. STENOGRAPHIC REPORTING OF COMMITTEE HEARINGS

1. GENERAL

a. When hearings are scheduled by any standing, special, or select committee of the House, a request for stenographic reporting services should be made through the office of the Official Reporters to House Committees.

b. The Official Reporters to House Committees are authorized to report hearings conducted by committees of the House on legislation and other matters relating to subjects assigned to that committee's jurisdiction under Rule X of the Rules of the House of Representatives. However, when the services of the Official Reporters to House Committees are not available, arrangements will be made through the clerk to the Official Reporters to House Committees to secure the reporting services of a commercial reporting firm.

c. In securing reporting services for hearings outside the District of Columbia, consideration should be given to the feasibility of securing the services of reporters at the location of the hearing thereby saving the cost of transporting a reporter from Washington, D.C. The General Services Administration has established a central booking office which will provide reporters for any hearings outside Washington, D.C. This office may be contacted at 557-8570. A committee may, however, secure the services of either the Official Reporters to House Committees or reliable commercial reporters in Washington, D.C. When Official Reporters to House Committees travel to hearings outside the District of Columbia, their travel expenses will be paid from the committee requesting funds.

2. SCHEDULE OF RATES

The following rates are authorized for an original and two copies or less, daily transcripts, of committee hearings of the House of Representatives and apply to services performed in the District of Columbia or any other location in the United States where hearings are held.

a. *Ordinary Copy.*—Transcripts are to be delivered within five days of the day of reporting—

(1) $4.25 per page for the stenographic reporting of committee hearings when the sale of transcripts is permitted.

(2) $4.65 per page for the stenographic reporting of committee hearings when the sale of transcripts is not permitted. When such rate is charged, the voucher should clearly indicate on its face that sales of transcripts are prohibited.

b. *Daily Copy.*—Trancripts are delivered to the committee on the day following each hearing or meeting—

(1) $4.50 per page for the stenographic reporting of committee hearings when the sale of transcripts is permitted.

(2) $4.90 per page for the stenographic reporting of committee hearings when the sale of transcripts is not permitted. When such rate is charged, the voucher should clearly indicate on its face that sales of the transcripts are prohibited.

Daily Copy must be specifically requested by the chairman of the initiating committee. All transcripts transmitted to the Committee on House Administration for computation must be signed by an authorized individual of the initiating committee, indicating whether ordinary or daily charges are to be applied.

c. *Copied in material (typed).*—One-half of the above rates is allowed when a copy is given to the commercial reporter by the chairman of a committee to be typed at a later time and inserted into the transcript of the hearing. These pages must be clearly designated in the transcript by drawing a diagonal line (/) through each page of copy.

D. ALLOWANCE FOR OFFICIAL EXPENSES

1. Each Member is authorized an allowance for the conduct of the official and representational duties of the office. This allowance shall consist of a base of $32,911 plus:

(*a*) The equivalent of 64 multiplied by the rate per mile multiplied by the mileage between the District of Columbia and the furthest point in the Member's District, according to the Rand McNally Standard Highway Mileage Guide, plus 10 percent. In no case shall this amount be less than $2,250. The following rates per mile apply:

	Per mile
Under 500 miles	$0.15
At least 500 but under 750 miles	.14
At least 750 but under 1,000 miles	.13
At least 1,000 but under 1,750 miles	.12
At least 1,750 but under 2,250 miles	.11
At least 2,250 but under 2,500 miles	.10
At least 2,500 but under 3,000 miles	.09
3,000 miles or over	.08

(*b*) (1) The equivalent to 15,000 times the highest long-distance telephone rate per minute from the District of Columbia to the Member's District.

(2) If the Member has elected to utilize WATS or similar service in his or her office in the Capitol or House Office Building, the 15,000 minute multiplier specified in (1) above will be reduced by one-half.

(3) In no case shall the equivalent amount specified in (1) above be less than $6,000 or the amount specified in (2) above be less than $3,000.

(*c*) The equivalent to 2500 square feet multiplied by the highest applicable rate per square foot charged to Federal agencies in the district established by regulations issued by the Administrator of General Services pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 490(j)) for the rental of suitable office space.

2. This allowance may be used for the expenses of travel, office equipment lease, district office lease, stationary, telecommunications, mass mailings, postage, computer services and other official expenses.

3. (*a*) This allowance will be disbursed, upon proper certification and documentation, for the official expenses of the Member, the Member's employees or the Member's congressional office and shall be in the form of reimbursement to the Member or direct payment on behalf of the Member to a specified payee.

(*b*) Documentation shall include invoices, receipts or other evidence of expenses incurred.

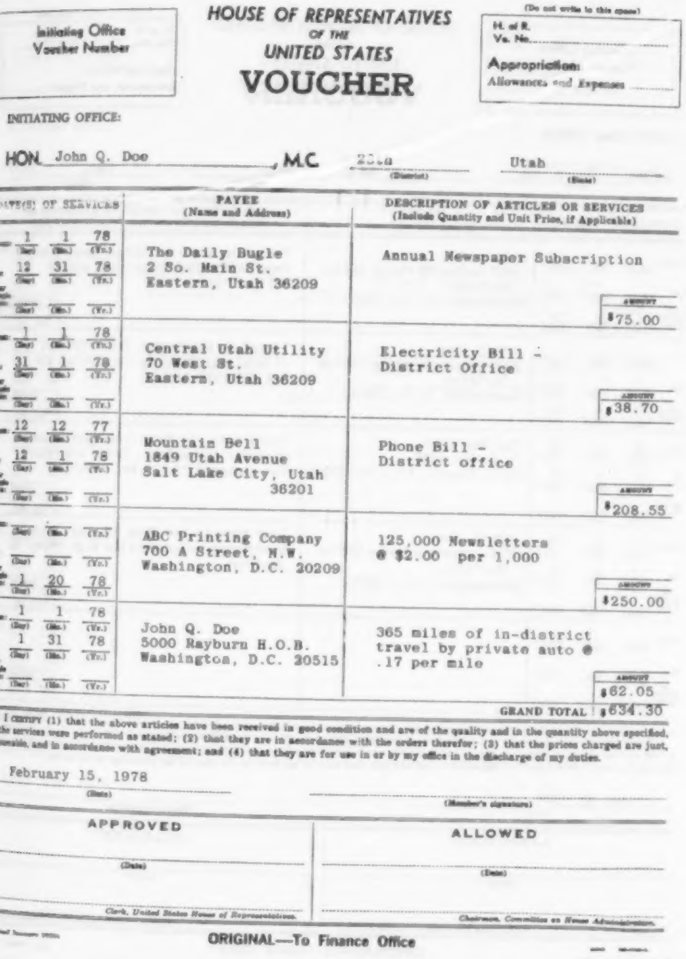
(*c*) Official expenses are ordinary and necessary business expenses incurred in support of the Members official and representational duties.

(*d*) The following items or classes of items are excluded from those payable from this allowance:

(1) Expenses relating to the hiring and employment of individuals, including, but not limited to employment service fees, transportation of interviewees to and from employment interviews and cost of relocation upon acceptance or termination of employment.

(2) Items purchased from other than the House stationery store which have a useful life in excess of the current term of the Member, and which would have a residual value of more than $25 upon the expiration of the current term of the Member.

Sample Voucher—Various Expenses



Initiating Office
Voucher Number

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

(Do not write in this space)
H. of R.
Vo. No.
Appropriation:
Allowances and Expenses

INITIATING OFFICE:

HON. John Q. Doe, M.C. 2nd (District) Utah (State)

DATE(S) OF SERVICES	PAYEE (Name and Address)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	AMOUNT
1 (Day) 1 (Mo.) 78 (Yr.) 12 (Day) 31 (Mo.) 78 (Yr.) (Day) (Mo.) (Yr.)	The Daily Bugle 2 So. Main St. Eastern, Utah 36209	Annual Newspaper Subscription	$75.00
1 (Day) 1 (Mo.) 78 (Yr.) 31 (Day) 1 (Mo.) 78 (Yr.) (Day) (Mo.) (Yr.)	Central Utah Utility 70 West St. Eastern, Utah 36209	Electricity Bill - District Office	$38.70
12 (Day) 12 (Mo.) 77 (Yr.) 12 (Day) 1 (Mo.) 78 (Yr.) (Day) (Mo.) (Yr.)	Mountain Bell 1849 Utah Avenue Salt Lake City, Utah 36201	Phone Bill - District office	$208.55
(Day) (Mo.) (Yr.) (Day) (Mo.) (Yr.) 1 (Day) 20 (Mo.) 78 (Yr.)	ABC Printing Company 700 A Street, N.W. Washington, D.C. 20209	125,000 Newsletters @ $2.00 per 1,000	$250.00
1 (Day) 1 (Mo.) 78 (Yr.) 1 (Day) 31 (Mo.) 78 (Yr.) (Day) (Mo.) (Yr.)	John Q. Doe 5000 Rayburn H.O.B. Washington, D.C. 20515	365 miles of in-district travel by private auto @ .17 per mile	$62.05
		GRAND TOTAL	$634.30

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, onable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

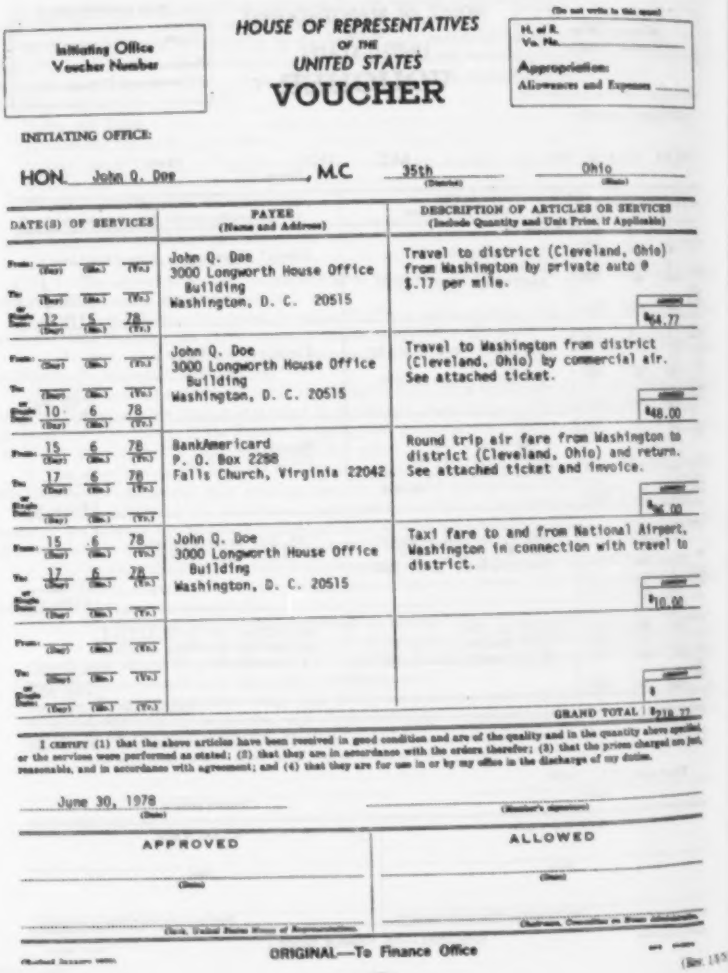
February 15, 1978
(Date)

(Member's signature)

APPROVED	ALLOWED
(Date)	(Date)
Clerk, United States House of Representatives.	Chairman, Committee on House Administration.

ORIGINAL—To Finance Office

Sample Voucher for Travel



Initiating Office
Voucher Number

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

(Do not write in this space)
H. of R.
Vo. No.________
Appropriation:
Allowances and Expenses ______

INITIATING OFFICE:

HON. John Q. Doe, M.C. 35th (District) Ohio (State)

DATE(S) OF SERVICES	PAYEE (Name and Address)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, if Applicable)	Amount
From: __ (Day) __ (Mo.) __ (Yr.) To: __ (Day) __ (Mo.) __ (Yr.) or Single Date: 12 (Day) 5 (Mo.) 78 (Yr.)	John Q. Doe 3000 Longworth House Office Building Washington, D. C. 20515	Travel to district (Cleveland, Ohio) from Washington by private auto @ $.17 per mile.	$64.77
From: __ (Day) __ (Mo.) __ (Yr.) To: __ (Day) __ (Mo.) __ (Yr.) or Single Date: 10 (Day) 6 (Mo.) 78 (Yr.)	John Q. Doe 3000 Longworth House Office Building Washington, D. C. 20515	Travel to Washington from district (Cleveland, Ohio) by commercial air. See attached ticket.	$48.00
From: 15 (Day) 6 (Mo.) 78 (Yr.) To: 17 (Day) 6 (Mo.) 78 (Yr.) or Single Date: __ (Day) __ (Mo.) __ (Yr.)	BankAmericard P. O. Box 2288 Falls Church, Virginia 22042	Round trip air fare from Washington to district (Cleveland, Ohio) and return. See attached ticket and invoice.	$96.00
From: 15 (Day) 6 (Mo.) 78 (Yr.) To: 17 (Day) 6 (Mo.) 78 (Yr.) or Single Date: __ (Day) __ (Mo.) __ (Yr.)	John Q. Doe 3000 Longworth House Office Building Washington, D. C. 20515	Taxi fare to and from National Airport, Washington in connection with travel to district.	$10.00
From: __ (Day) __ (Mo.) __ (Yr.) To: __ (Day) __ (Mo.) __ (Yr.) or Single Date: __ (Day) __ (Mo.) __ (Yr.)			$
		GRAND TOTAL	$218.77

I CERTIFY (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

June 30, 1978
(Date)

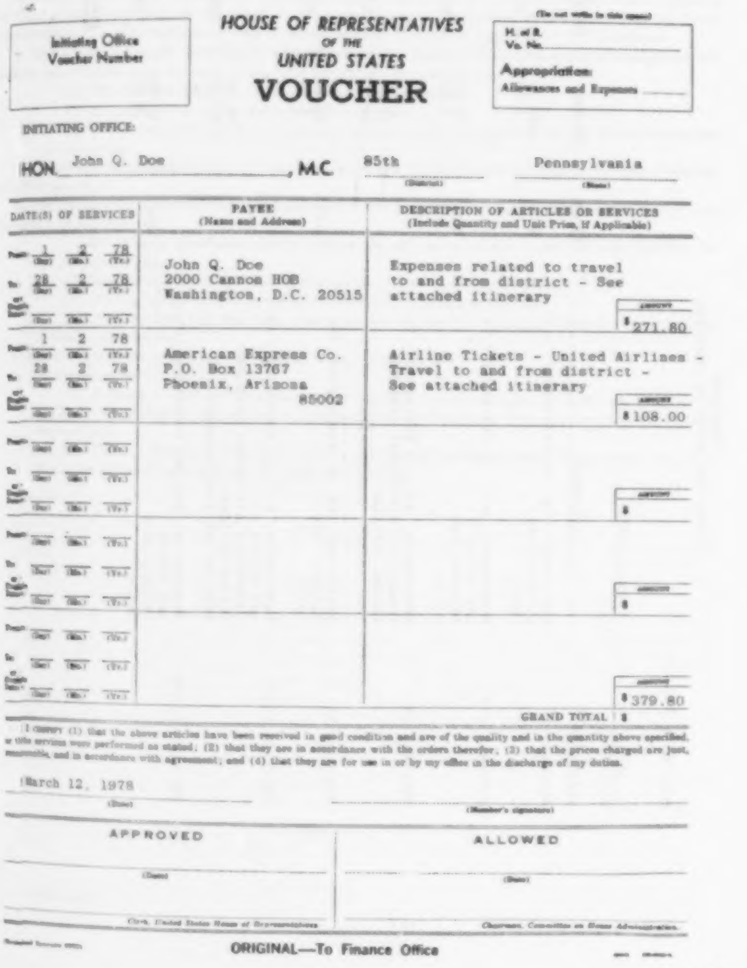
____
(Member's signature)

APPROVED	ALLOWED
________ (Date)	________ (Date)
________ Clerk, United States House of Representatives.	________ Chairman, Committee on House Administration.

ORIGINAL—To Finance Office

(Revised January [illegible]) (Rev. 15

Sample Voucher for Travel—Multiple Trip



Initiating Office
Voucher Number

HOUSE OF REPRESENTATIVES
OF THE
UNITED STATES
VOUCHER

(Do not write in this space)
H. of R.
Vo. No.
Appropriation:
Allowances and Expenses

INITIATING OFFICE:

HON. John Q. Doe, M.C. 85th (District) Pennsylvania (State)

DATE(S) OF SERVICES	PAYEE (Name and Address)	DESCRIPTION OF ARTICLES OR SERVICES (Include Quantity and Unit Price, If Applicable)	AMOUNT
From 1 (Day) 2 (Mo.) 78 (Yr.) To 28 (Day) 2 (Mo.) 78 (Yr.) or Single Date (Day) (Mo.) (Yr.)	John Q. Doe 2000 Cannon HOB Washington, D.C. 20515	Expenses related to travel to and from district - See attached itinerary	$271.80
From 1 (Day) 2 (Mo.) 78 (Yr.) To 28 (Day) 2 (Mo.) 78 (Yr.) or Single Date (Day) (Mo.) (Yr.)	American Express Co. P.O. Box 13767 Phoenix, Arizona 85002	Airline Tickets - United Airlines - Travel to and from district - See attached itinerary	$108.00
From (Day) (Mo.) (Yr.) To (Day) (Mo.) (Yr.) or Single Date (Day) (Mo.) (Yr.)			$
From (Day) (Mo.) (Yr.) To (Day) (Mo.) (Yr.) or Single Date (Day) (Mo.) (Yr.)			$
From (Day) (Mo.) (Yr.) To (Day) (Mo.) (Yr.) or Single Date (Day) (Mo.) (Yr.)			$379.80
		GRAND TOTAL	$

I certify (1) that the above articles have been received in good condition and are of the quality and in the quantity above specified, or the services were performed as stated; (2) that they are in accordance with the orders therefor; (3) that the prices charged are just, reasonable, and in accordance with agreement; and (4) that they are for use in or by my office in the discharge of my duties.

March 12, 1978
(Date)

(Member's signature)

APPROVED

(Date)

Clerk, United States House of Representatives

ALLOWED

(Date)

Chairman, Committee on House Administration

ORIGINAL—To Finance Office

(Rev. 1/1/78)

ITINERARY
TRAVEL FOR MONTH OF FEBRUARY

Honorable John Doe

85th
District

Pennsylvania
State

Date 1978	Itinerary	Miles	Amount	Totals
February 1	Pittsburgh, Pa. to Washington, D.C. Private Auto Tolls	242	$36.30 1.50	$ 37.80
February 4-7	Washington, D.C. to Pittsburgh, Pa. and return Private Auto Tolls	484	72.00 3.00	75.00
February 11	Washington, D.C. to Pittsburgh, Pa. Commercial Air-Ticket Attached-United Airlines Taxi to and from Terminal		36.00 15.00	51.00
February 14	Pittsburgh, Pa. to Washington, D.C. Private Auto Tolls	242	36.30 1.50	37.80
February 18-21	Washington, D.C. to Pittsburgh, Pa. and return Commercial Air-Ticket Attached-United Airlines Taxi to and from Terminal		72.00 30.00	102.00
February 25-28	Washington, D.C. to Pittsburgh, Pa. and return Private Auto Tolls	484	72.60 3.00	75.00
		Total		$379.80

F. PROVISIONS RELATING TO THE LEASE OF OFFICE EQUIPMENT

. Leased electrical and mechanical equipment shall be furnished to Members for use in their offices by lerk of the House from an approved list of such equipment established by the Committee on House inistration. No other equipment may be leased without the specific approval of the committee.

. At the written request of a Member, the Clerk of the House will furnish items of equipment, the ly cost of which is not covered by the lease agreement, provided that—

(1) The Member pays the cost in excess of the limitation;

(2) the excess cost will be for a specific item; and

(3) the leasing firm agrees in writing to send a monthly or quarterly invoice to the Member for the excess cost.

A lease may be terminated upon written request to the Clerk of the House thirty (30) days from the f the request.

. The Clerk of the House will furnish equipment to be charged jointly to the allowances of two or more ers, provided that—

(1) the leasing agreement clearly defines the allocation of the rental fee and liability for for damage or loss;

(2) the leasing agreement clearly defines the conditions for termination;

(3) the leasing agreement specifies the location of the equipment; and

(4) prior approval of the joint leasing agreement has been obtained from the Committee on House Administration.

Special regulations governing the leasing of equipment follow:

Automatic typewriters:

(1) A Member may retain a machine previously furnished under the purchase program of the House regardless of age, as long as it is economically feasible to keep it in working order, or he may turn it in.

(2) When a Member turns in a machine previously furnished under the purchase program, it may be replaced only through the leasing allowance.

This attachment must be part of any contract filed with the Committee on House Administration upon which payment of computer services will be based

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COMPUTER SERVICES CONTRACT ATTACHMENT

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1. This Computer Services Contract Attachment shall be attached to, made part of and incorporated in each contract agreement for computer services.

2. Neither the House of Representatives nor its officers assumes any liability for the performance of the contract agreement to which this instrument is attached. Payments made by the Clerk of the House of Representatives of the amounts due the VENDOR by the CUSTOMER under the terms of the contract agreement are made solely on behalf of the Member of Congress in his official and representational capacity. Such Member assumes all liability for the performance of the contract to which this instrument is attached, and the VENDOR agrees to look solely to the CUSTOMER, in his official and representational capacity, for performance of the contract agreement.

3. The term of the contract to which this instrument is attached may not exceed two years and shall in no case extend beyond the constitutional term of the Congress to which the Member is elected.

4. This agreement may be terminated at the option of either party by giving thirty (30) day's notice in writing to the other party. The VENDOR shall supply to the CUSTOMER any and all CUSTOMER data bases, in machine-readable and hard copy form within ten (10) days of such notice unless later release is requested by the CUSTOMER in writing, at a cost set forth in a rate schedule which shall be attached to the Contract. All copies of CUSTOMER data bases in the possession of the VENDOR shall be destroyed within thirty days after the termination date of services to be delivered under the contract to which this instrument is attached unless otherwise authorized by the CUSTOMER in writing. The VENDOR shall supply written confirmation of the destruction of all CUSTOMER data bases within five (5) days after the date of completion of such destruction.

5. In the event of the death, resignation or removal from office of the CUSTOMER, this contract agreement may be terminated by the Clerk of the House by giving thirty (30) days' notice in writing to the VENDOR.

6. Changes to the contract agreement may not be made without the written consent of both parties. Sixty (60) days' written notice is required for proposed changes unless both parties agree in writing to a lesser period. All changes to the contract agreement must be executed with the same formality as the original contract.

7. Two copies of the contract agreement, and any changes in terms or conditions to the original contract agreement to which this instrument is attached, and two copies of any termination notice given under the terms of this contract agreement, shall be filed upon execution with the Committee on House Administration, U.S. Capitol, Washington, D.C. 20515.

8. The contract to which this instrument is attached shall specify a maximum monthly charge which cannot be exceeded without written authorization by the CUSTOMER.

9. The CUSTOMER shall authorize the Clerk of the House of Representatives to pay the VENDOR monthly charges computed in accordance with the provisions of the contract to which this instrument is attached only after receipt of an itemized invoice of services rendered.

10. Title to, and exclusive use of all data bases generated by or at the request of the CUSTOMER shall remain in the CUSTOMER both during and after the term of the contract to which this instrument is attached. Vendor shall have possession only during the period of time the contract agreement to which this instrument is attached and is in force. The VENDOR may not at any time use or reveal said data bases without the written permission of the CUSTOMER.

11. In the event of partial or complete failure of VENDOR'S service, VENDOR shall restore the CUSTOMER'S data bases to the same condition such data bases were in immediately prior to the failure, where CUSTOMER determines restoration is desirable, and where the failure is attributable to the VENDOR or the VENDOR'S hardware or software.

12. The VENDOR shall make back-up copies of all CUSTOMER data bases at the end of each day during which the system is available for CUSTOMER use and shall retain the daily back-up copies for a minimum of seven (7) calendar days. In addition the VENDOR shall retain the back-up copy made on the last day of each week for a minimum of one month and the back-up copy made on the last day of each month for a minimum of one year.

13. The VENDOR shall attach a rate schedule which shall include, but need not be limited to, specification of the following services and conditions: hours of operation; maximum down time system is unavailable, rebate for time in excess of this maximum; number of terminal devices which can be used simultaneously, data rate of each device port; maximum number of records available, number of levels of addresses per record, number of subject codes per record, number of transactions per record, and the number of steps per transaction; maximum text storage; VENDOR supplied data bases; data entry; all normal, usual, or necessary support.

14. Any portion of the contract agreement to which the instrument is attached or any subsequent or additional agreements which are inconsistent with paragraphs one (1) through fourteen (14) of this instrument shall be of no force and effect to the extent of such inconsistency.

(Rev. 1/9/78)

R. INFORMATION TO MEMBERS

1. COMPENSATION

a) *Salary.*—The annual salary of Members of Congress is $57,500. Payment can be made by check Member, or deposited directly into the Member's checking account with the House Sergeant at

b) *Health Insurance* (Optional).—Information on various insurance plans is available from the ant at Arms. A Health Benefits Registration form must be submitted to the Sergeant at Arms re of election or declination of coverage.

c) *Life Insurance.*—Life insurance is provided automatically for Members under the Federal Em Group Life Insurance Act, unless specifically declined. Coverage commences on the date on which ber takes office.

—Monthly premiums are deducted from a Member's paycheck.
—Additional life insurance is available at additional cost.

d) *Retirement.*—MEMBERS OF CONGRESS DO NOT PARTICIPATE IN THE SOCIAL RITY PROGRAM.

—The Civil Service Retirement System is available to Members.
—If a Member elects participation in the Civil Service Retirement plan, a monthly 8 percent payroll deduction is made automatically.

e) *Disability.*—Benefits will be paid to Members who become ill or are injured in the performance responsibilities.

—Benefits include both medical care and monetary payments, as well as survivor benefits in the case of death.

INQUIRIES ABOUT SPECIFIC SITUATIONS INVOLVING SALARY, HEALTH INSURANCE, LIFE INSURANCE, RETIREMENT OR DISABILITY SHOULD BE DIRECTED TO THE SERGEANT AT ARMS, H-124, U.S. CAPITOL.

2. MEDICAL ATTENTION

) Physicians, registered nurses and medical technicians are provided through the Attending Phys office for Members' medical needs, in room H-166, U.S. Capitol, ext. 55421.

) Office hours are as follows:
Monday through Friday: 9:00–5:00 (or until adjournment).
Saturday: 9:00–12:30.
Answering service provides 24 hour coverage.

) Members are encouraged to open a medical record with the Attending Physician. Medical infor may be exchanged between the Attending Physician and a Member's private physican.

) Consultation with Walter Reed Army Hospital, Bethesda Naval Hospital, and private physi can be arranged, with hospitalization at Office of Management and Budget rates.

) Emergency resuscitation equipment, Ambulance service, Complete laboratory, X-rays, Pharmacy, therapy, Electrocardiogram, Immunization, and Allergy services are provided.

) A referral list of physicians and clinics is maintained for families of Members and staff.

) First Aid rooms are located in each office building and are attended by registered nurses. First

J. PROVISIONS RELATING TO DISTRICT OFFICE RENTAL

1. Each Member is entitled to suitable office space in the district he represents. Office space which is not secured by the Sergeant at Arms may be secured by the Member. Leases for commercial office space will be submitted in two copies with a cover letter to the Committee on House Administration. The District Office Lease Attachment shown on page 123 must be a part of any lease submitted to the Committee for payment for leased District Office space. The letter should contain a listing of all the leases and monthly rentals currently being charged to the Member's allowance.

2. The allowance will be charged the appropriate rental fee and all other reimbursable charges, including parking, for all federal office space provided by the General Services Administration.

3. Each Member is authorized to lease a Mobile Office(s) under the provisions of this allowance. Such mobile office(s) is to be used exclusively for the discharge of the official duties of the lessee. Mobile offices must remain in the Member's district except, (1) for periods when they are delivered to a service facility for maintenance and repair, (2) for the purpose of transporting the Member to a common carrier terminal from a location within the Member's district during the discharge of official duties, (3) when traveling the most direct route between two points in the district, and (4) for periods of daily storage, or (5) a specific waiver has been granted by the Committee on House Administration.

4. No sign which includes a Member's name or title may be fixed to the outside of the Member's mobile district office, unless that office is parked and open for business.

5. Payment for all leased commercial office space will be rendered at the end of each month.

6. Members shall be entitled to have their district offices outfitted with office equipment, carpeting, and draperies procured by the General Services Administration in accordance with GSA Order ADM 7800.5

7. No Member, his relatives, or anyone with whom he has a professional or legal relationship may benefit monetarily from his district office lease.

8. If leased space is being used by the staff of a deceased or resigned Member, such space in one or more offices may be continued for the remainder of the month in which the death or the resignation occurred, plus a full month thereafter. After this period, only one office will be continued for the period of the vacancy until a successor is elected or sworn into office, except that when circumstances warrant the clerk, with the approval of the Committee on House Administration, may continue more than one office to insure an adequate level of constituent service. The clerk shall advise the staff of a deceased or resigned Member that consolidation of such office shall occur as outlined and that such staff shall be reassigned to the remaining office to perform their duties.

9. Any Member, upon leaving office (unless by expulsion), may purchase any items of office equipment or furnishings provided by the General Services Administration for use in his or her District Office. Purchases shall be in accordance with regulations prescribed by the Committee on House Administration. (See 2 U.S.C. 59a.)

Regulations and Accounting Procedures for Allowances and Expenses of Committees, Members and Employees of the U.S. House of Representatives

(Ninety-Fifth Congress)

(Revision No. 78-3)

The attached page numbered 112 has been revised effective April 11, 1978, and is to replace existing page 112 in your Regulations Manual.

Authority, Committee on
House Administration

(3) Holiday greeting cards, flowers, and trophies.

(4) Personal advertisements (other than meeting or appearance notices).

(5) Donations of any type, except flags of the United States flown over the Capitol.

(6) Dues or assessments other than to legislative support organizations approved by the Committee on House Administration.

(7) Educational expenses for courses of study, information or training programs, unless the benefit accrues primarily to the House and the skill or knowledge is not commonly available.

(8) Purchases of radio and television time.

(9) Parking for Member and employees at district offices, except when included as an integral part of the lease or occupancy agreement for the district office space.

Regulations and Accounting Procedures for Allowances and Expenses of Committees, Members and Employees of the U.S. House of Representatives

(Ninety-Fifth Congress)
(Revision No. 78–4)

The attached page numbered 87 has been revised effective August 1, 1978, and is to eplace existing page 87 in your Regulations Manual.

Authority, Committee on
House Administration

PART III. REGULATIONS PERTAINING TO MEMBERS

The allowances set forth in Part III are to be used in discharging a Member's official and representational duties. These allowances shall be available from noon on January 3 of one year until immediately prior to noon on January 3 of the following year. Services whose billing periods extends over January 3 will be paid from the allowances that become available after noon on January 3 for the new year. These allowances shall not be used to pay in advance for any goods or service, except for dues of approved legislative service organizations, Post Office box rentals, telecommunications equipment rentals, insurance premiums, newspaper and periodical subscriptions and such other items as may be specifically authorized by the Committee on House Administration. When such an advance payment is made the term of the payment may not exceed one year or the current term of the Member, whichever is less, except that newspaper and periodical subscriptions may not exceed one year without regard to the Member's current term. All allowances are to be used only for expenses incurred in the United States, its territories and its possessions. "Member" as used in these Regulations means each Representative in, or Delegate or Resident Commissioner to, the House of Representatives. Each Member is personally responsible for the payment of any costs or expenses incurred in support of official and representational duties which exceed the provided allowance.

Regulations and Accounting Procedures for Allowances and Expenses of Committees, Members and Employees of the U.S. House of Representatives

(Ninety-Fifth Congress)

(Revision No. 78-5)

The attached pages numbered 88, 89, 125, 126, and 126.1 have been revised effective October 1, 1978, and are to replace existing pages 88, 89, 125, and 126 in your Regulations Manual.

Authority, Committee on
House Administration

A. CLERK HIRE ALLOWANCE

1. Official appointments of all persons employed must be:

(*a*) executed and signed by the Member; and

(*b*) filed with the House Finance Office. (See sample Payroll Authorization Form, page 90.)

2. (*a*) The Clerk of the House of Representatives shall disburse salary payments to employees only upon a monthly certification by each Member as to the amount of said salary, the physical location of each employee, the regular performance of official duties, and the relationship of each employee to any current Member of Congress. The following are the relationships to be included in the certification:

father
mother
son
daughter
brother
sister
uncle
aunt
first cousin

nephew
niece
husband
wife
father-in-law
mother-in-law
son-in-law
daughter-in-law
brother-in-law

sister-in-law
stepfather
stepmother
stepbrother
stepsister
stepson
stepdaughter
half-brother
half-sister

(See sample Relationship Certification Form, page 106.)

(*b*) The Clerk is authorized to disburse salary payments for no more than one pay period based upon the certification for the preceding period when the current certification is not available. (See sample Payroll Certification Form, p. 91.)

(*c*) Where an individual employee is assigned to and performs official duties for two or more employment sources within the House, and the salary of such employee is allocated between the respective employment sources, then each employment source shall certify only as to the official duties performed for and the allocable portion of the salary chargeable to such employment sources.

3. A Member is prohibited by law from employing relatives. Persons with the relationship to a Member described in 2(a) above, may not be hired by that Member and paid with money from the Treasury of the United States. (See 5 U.S.C. § 3110, p. 137.)

4. "A Member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin." (Rule XLIII, paragraph 9, Rules of the House of Representatives).

5. (*a*) Each Member shall be entitled to an annual clerk-hire allowance of $288,156 for not to exceed 18 clerks.

(*b*) Employees' salaries are fixed at annual rates of no less than $1,200 or in excess of $47,500.

(*c*) No person shall be paid from any clerk-hire allowance if such person does not perform the services for which he receives such compensation in the offices of the Member in Washington, D.C., or in the State or district which such Member represents. (Offices are defined as locations where such persons perform services directly related to the discharge of the official and representative duties of a Member.)

(*d*) The total of the salary payments to a Member's employees for each monthly pay period out of the clerk hire allowance, shall not exceed one-twelfth of the single per annum gross rate, or $24,013.

(*e*) Employees should not be employed for a period of less than a month.

(*f*) Employees removed from a position within 30 days of employment cannot be re-employed by the same Member for 6 months.

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(*g*) Successor to employees removed within 30 days of employment cannot be hired until 30 days after the date of employment of the removed employee.

(*h*) The Clerk Hire Allowance is provided for the employment of permanent, full-time employees and shall not be used for employment of temporary or contract service personnel.

6. Each Member may hire for any 2 months in any 1 year, one additional employee to be known as a "Lyndon Baines Johnson Congressional Intern". Each such intern shall be a teacher in government or social studies or a student and certified as such to the Clerk of the House. The intern must perform the duties of his employment in the Washington, D.C. office and not in the district office. The salary is established at the total gross sum of $1,360 for the 2 month period payable at the rate of not to exceed $680 per month. No more than one intern may be employed at any time and no more than two may be employed during the 2 month period. The employment of an intern will not affect the clerk-hire allowance nor the maximum number of employees. If the intern is a student, he must have been, during the academic year immediately preceding his employment, a bona fide student at a college, university, or similar institution of higher learning. If the intern is a teacher, he must have been, in the year immediately preceding his employment, a bona fide teacher in government or social studies at a secondary school or a post secondary school.

7. When a Member employs a Federal annuitant who is receiving an annuity from the Civil Service Retirement Fund, the amount of the annuity, when added to the amount received from the clerk-hire allowance, cannot exceed the per annum rate equivalent to the highest per annum rate of basic pay, as in effect from time to time, authorized for Level V of the Executive Schedule. The combined total of the annuity and the amount received from the clerk-hire allowance will be charged against the Member's clerk-hire allowance except that annuitants employed on or before September 21, 1977 shall be exempt from the provisions of this sentence.

8. (*a*) Leave without pay (LWOP) is an absence without pay which is approved in response to an application initiated by an employee.

(*b*) The approval of LWOP is a matter of administrative discretion, and approval is usually given only when an employee demonstrates a genuine need to be absent from his official duties. Such requests should not be approved unless the employee's total employment record justifies favorable action.

(*c*) As a basic condition to approval of LWOP, there should be reasonable assurance that the employee will return to duty at the end of the approved period and that the office will benefit in some measure from the absence. It should be apparent that at least one of the following benefits should result: increased job ability, retention of a desirable employee, protection or improvement of employee's health, or furtherance of a program of interest to the office. LWOP will not be authorized for any period in excess of 3 months, without the prior written approval of the Committee on House Administration for good cause shown, but in no case shall the period of LWOP exceed one year.

(*d*) LWOP should be requested in advance of the period of absence. The employee then files with the Clerk of the House a Payroll Authorization Form, checking the appropriate box, and specifying the date upon which the LWOP status is to be terminated, not to exceeed 3 months. No person may be in a LWOP status more than once during any Congress, without the prior written approval of the Committee on House Administration for good cause shown. (See sample Payroll Authorization Form, page 92.)

(*e*) Health benefits enrollment and coverage continue without premium to the employee or employer for up to 365 days.

(*f*) Life insurance continues for up to 12 months, without contribution.

(*g*) Retirement continues without contribution. Up to six months in a calendar year is credited for service in annuity computation.

(*h*) When a clerk-hire employee is placed in a LWOP status, he/she continues to occupy a position as an employee under that Member's entitlement.

9. Appointment forms and the other necessary papers to be executed by each clerk-hire or intern employee may be obtained from the House Finance Office, Room 263 Cannon Building.

L. PROVISIONS RELATING TO COMPUTER SERVICES

1. The Committee on House Administration has authority concerning policy, organization, initiation, operation and evaluation of all matters concerned with information processing and communications as they relate to mechanization, automation, computerization, or related functions.

2. Each Member is authorized to acquire information and computer services and equipment consistent with the general provisions governing the allowance for official expenses. A copy of each lease or contract for information and computer services or equipment must be submitted with a cover letter to the Committee on House Administration and the Clerk of the House before payment for computer services or equipment may be rendered from the Official Expenses Allowance. In addition, the standard provisions governing information and computer services or equipment shown on pages 126 and 126.1 must be part of any agreement submitted.

3. Members may submit requests to the Committee on House Administration for assistance and consultation in defining their requirements for information and computer services and related equipment.

4. Lists of names and addresses compiled, maintained, or produced with appropriated funds shall be used only for official or representational purposes. No name and address taken from any such list shall be affixed to an item designed for mailing, unless the item bears a Member's frank. For purposes of this paragraph, a "list" is any grouping of names and addresses generated or duplicated by mechanical or automated means.

This attachment must be part of any contract filed with the Committee on House Administration upon which payment of computer services will be based

COMPUTER SERVICES CONTRACT ATTACHMENT

1. This Computer Services Contract Attachment shall be attached to, made part of and incorporated in each contract agreement for computer services.

2. Neither the House of Representatives nor its officers assumes any liability for the performance of the contract agreement to which this instrument is attached. Payments made by the Clerk of the House of Representatives of the amounts due the VENDOR by the CUSTOMER under the terms of the contract agreement are made solely on behalf of the Member of Congress in his official and representational capacity. Such Member assumes all liability for the performance of the contract to which this instrument is attached, and the VENDOR agrees to look solely to the CUSTOMER, in his official and representational capacity, for performance of the contract agreement.

3. The term of the contract to which this instrument is attached may not exceed two years and shall in no case extend beyond the constitutional term of the Congress to which the Member is elected.

4. This agreement may be terminated, at no additional cost, at the option of the CUSTOMER by giving thirty (30) days' notice in writing to the VENDOR. In the event of the death, resignation or removal from office of the CUSTOMER, this contract agreement may be terminated by the Clerk of the House by giving thirty (30) days' notice in writing to the VENDOR.

5. In the event of termination of this agreement, for any reason, and unless waived by the CUSTOMER in writing, the VENDOR shall supply to the CUSTOMER any and all CUSTOMER data bases, in machine-readable and hard copy form not later than ten (10) days after termination at a cost set forth in a rate schedule which shall be attached to the contract. All copies of CUSTOMER data bases in the possession of the VENDOR shall be destroyed within thirty (30) days after the necessary copies have been supplied to the CUSTOMER. The VENDOR shall supply written confirmation of the destruction of all CUSTOMER data bases within five (5) days after the date of completion of such destruction.

6. The amounts specified in the rate schedule attached to this agreement shall not be varied by any factor, cost of living clause, elevator clause, escalator clause, any other adjustment or measure thereof, or any additional or subsequent agreement without the written authorization of the Committee on House Administration.

7. Two copies of the contract agreement, and any changes in terms or conditions to the original contract agreement to which this instrument is attached, and two copies of any termination notice given under the terms of this contract agreement, shall be filed upon execution with the Committee on House Administration, U.S. Capitol, Washington, D.C. 20515.

8. The contract to which this instrument is attached shall specify a monthly level of charges. The VENDOR shall provide a mechanism whereby the CUSTOMER can receive an immediate accounting of the level of usage.

9. The VENDOR shall provide to the CUSTOMER a statement of monthly charges computed in accordance with the provisions of the contract to which this instrument is attached. The statement shall provide an itemized invoice of services rendered.

10. Title to, and exclusive use of all data bases generated by or at the request of the CUSTOMER shall remain with the CUSTOMER both during and after the term of the contract to which this instrument is attached. The VENDOR shall have possession only during the period of time the contract agreement to which this instrument is attached is in force except as necessary to meet the conditions of paragraph five (5). The VENDOR may not at any time use or reveal said data bases without the written permission of the CUSTOMER.

11. In the event of partial or complete failure of VENDOR's services, VENDOR shall restore, at no cost to the CUSTOMER, the CUSTOMER's data bases to the same condition such data bases were in immediately prior to the failure, where the failure is attributable to the VENDOR or the VENDOR's hardware or software.

12. The VENDOR shall make and retain usable back-up copies of all CUSTOMER computer files. In addition, the VENDOR shall retain for all CUSTOMERS the last back-up copy made each week for a minimum of one month and the last back-up copy made each month for a minimum of one year. For CUSTOMERS processing in an on-line, interactive mode the VENDOR shall, at the end of each day during which the system is available for CUSTOMER use, make back-up copies of the CUSTOMER's on-line files and retain those files for a minimum of seven (7) calendar days. For CUSTOMERS processing in a batch mode the VENDOR shall, at the end of each batch process using the CUSTOMER's computer files, make back-up copies of those files used and retain them for a minimum of seven (7) calendar days.

13. The VENDOR shall attach a rate schedule which shall include, but need not be limited to, specification of the following services and conditions; hours of service; maximum time system will be unavailable, rebate for time in excess of this maximum; number of terminal devices which can be used simultaneously, data (baud) rate for each device port; maximum number of records available, number of levels of addresses per record, number of subject codes per record, number of transactions per record, number of steps per transaction; maximum text storage; VENDOR supplied data bases; alternate data entry services; expected error rates for key-punched data entry, rebate for errors in excess of expected rate; average response times (at 10:00 a.m., 2:00 p.m., and 4:00 p.m.) for entry and posting of a typical transaction; normal turnaround time for batch jobs, rebate for time in excess of normal time; data conversion services; training services, number of people trained, costs for training additional people; security and file integrity provisions; rebate for processing errors directly attributable to a failure of the VENDOR's service; output services; courier services; all normal, usual, or necessary support.

14. Any portion of the contract agreement to which this instrument is attached or any subsequent or additional agreements which are inconsistent with paragraphs one (1) through fourteen (14) of this instrument shall be of no force and effect to the extent of such inconsistency.

Committee on House Administration upon which payment for the lease of computer equipment will be based

COMPUTER EQUIPMENT CONTRACT ATTACHMENT

1. This Computer Equipment Contract Attachment shall be attached to, made part of and incorporated in each contract agreement for computer equipment.

2. Neither the House of Representatives nor its officers assumes any liability for the performance of the contract agreement to which this instrument is attached. Payments made by the Clerk of the House of Representatives of the amounts due the VENDOR by the CUSTOMER under the terms of the contract agreement are made solely on behalf of the Member of Congress in his official and representational capacity. Such Member assumes all liability for the performance of the contract to which this instrument is attached, and the VENDOR agrees to look solely to the CUSTOMER in his official and representational capacity, for performance of the contract agreement.

3. The term of the contract to which this instrument is attached may not exceed two years and shall in no case extend beyond the constitutional term of the Congress to which the Member is elected.

4. This agreement may be terminated, at no additional cost, at the option of the CUSTOMER by giving thirty (30) days' notice in writing to the VENDOR. In the event of the death, resignation or removal from office of the CUSTOMER, this contract agreement may be terminated by the Clerk of the House by giving thirty (30) days' notice in writing to the VENDOR.

5. The amounts specified in the rate schedule attached to this agreement shall not be varied by any factor, cost of living clause, elevator clause, escalator clause, any other adjustment or measure thereof, or any additional or subsequent agreement without the written authorization of the Committee on House Administration.

6. Two copies of the contract agreement, and any changes in terms or conditions to the original contract agreement to which this instrument is attached, and two copies of any termination notice given under the terms of this contract agreement, shall be filed upon execution with the Committee on House Administration, U.S. Capitol, Washington, D.C. 20515.

7. The contract to which this instrument is attached shall specify a maximum monthly charge which cannot be exceeded without written authorization by the CUSTOMER.

8. The VENDOR shall attach a rate schedule which shall include, but need not be limited to, specification of the following conditions; maximum time equipment is expected to be unavailable, rebate for time in excess of this maximum; for processors, the number of terminal devices which can be used simultaneously, data (baud) rate of each device port; maximum text storage; VENDOR supplied software; maximum time to respond to service calls, rebate for time in excess of this maximum; geographic service radius and a list of service centers; installation services; freight arrangements; cabling; training services, number of people trained, costs for training additional people; all normal, usual, or necessary support.

9. Any portion of the contract agreement to which this instrument is attached or any subsequent or additional agreements which are inconsistent with paragraphs one (1) through nine (9) of this instrument shall be of no force and effect to the extent of such inconsistency.

SUBCOMMITTEE ACTIVITIES

SUBCOMMITTEE OF ACCOUNTS

JURISDICTION

The Subcommittee on Accounts exercises jurisdiction over all internal budget matters of the House. The Subcommittee reviews the investigatory funding resolutions of standing and select committees, and establishes procedures regarding disbursement of monies from the contingent fund of the House.

OPERATIONS AND AUTHORITIES SUBJECT TO SUBCOMMITTEE OVERSIGHT

The Subcommittee's mandated responsibilities under Rule X of the Rules of the Committee on House Administration include, *inter alia*, the periodic review of internal fiscal matters of the House, e.g., policies and procedures affecting member allowances, committee expenses for investigations and studies, travel and the like. The Subcommittee also carries out the oversight responsibility of the committee under 2 U.S.C. 91, and reviews the remuneration of persons employed by the House.

H. Res. 1021, February 9, 1978: To provide funds for the Select Committee on Aging and for other purposes.	**H. Rept. 95-906: Passed House March 10, 1978.**
H. Res. 1034, February 21, 1978: To provide funds for the Permanent Select Committee on Intelligence.	**H. Rept. 95-907: Passed House March 10, 1978.**
H. Res. 1041, February 22, 1978: To provide funds for the Committee on Post Office and Civil Service.	**H. Rept. 95-969. Passed House April 4, 1978.**
H. Res. 1045, February 23, 1978: To provide funds for the Ad Hoc Select Committee on the Outer Continental Shelf.	**H. Rept. 95-970: Passed House April 4, 1978.**
H. Res. 1047, February 23, 1978: To provide funds for the Committee on International Relations.	**H. Rept. 95-971: Passed House April 4, 1978.**
H. Res. 1051, February 28, 1978: To provide funds for the Ad Hoc Committee on Energy.	**H. Rept. 95-972: Passed House April 4, 1978.**
H. Res. 979, January 25, 1978: To provide funds for the Committee on Interior and Insular Affairs.	**H. Rept. 95-901: Passed House March 10, 1978.**
H. Res. 981, January 25, 1978: To provide funds for the Committee on International Relations.	**H. Rept. 95-873: Passed House February 15, 1978.**
H. Res. 985, January 30, 1978: To provide funds for the Select Committee on Congressional Operations.	**H. Rept. 95-964: Passed House April 4, 1978.**
H. Res. 989, January 31, 1978: To provide funds for the Select Committee on Population.	**H. Rept. 95-965: Passed House April 4, 1978.**
H. Res. 996, February 1, 1978: To provide funds for the Committee on International Relations.	**H. Rept. 95-966: Passed House March 20, 1978.**

H. Res. 997, February 1, 1978: To provide funds for the Committee on Small Business.	H. Rept. 95-967: Passed House April 4, 1978.
H. Res. 1000, February 2, 1978: To provide funds for the Committee on Merchant Marine and Fisheries.	H. Rept. 95-968: Passed House April 4, 1978.
H. Res. 1001, February 6, 1978: To provide funds for the Committee on Government Operations.	H. Rept. 95-902: Passed House March 20, 1978.
H. Res. 1003, February 6, 1978: To provide funds for the Committee on Public Works and Transportation.	H. Rept. 95-903: Passed House March 7, 1978.
H. Res. 1004, February 6, 1978: To provide funds for the Select Committee on Narcotics Abuse and Control.	H. Rept. 95-876: Passed House February 15, 1978.
H. Res. 1010, February 7, 1978: To provide funds for the Committee on the Judiciary.	H. Rept. 95-904: Passed House March 13, 1978.
H. Res. 1012, February 8, 1978: To provide funds for the Committee on Rules.	H. Rept. 95-905: Passed House March 3, 1978.
H. Res. 1013, February 8, 1978: To provide funds for the Committee on Science and Technology.	H. Rept. 95-1086: Passed House April 27, 1978.
H. Res. 915, November 22, 1977: To provide funds for the Committee on International Relations.	H. Rept. 95-826: Passed House December 1, 1977.
H. Res. 921, November 29, 1977: To provide funds for the Committee on Small Business.	H. Rept. 95-827: Passed House December 1, 1977.
H. Res. 953, January 19, 1978: To provide funds for the Committee on the District of Columbia.	H. Rept. 95-897: Passed House March 3, 1978.
H. Res. 954, January 19, 1978: To provide funds for the Committee on Agriculture.	H. Rept. 95-871: Passed House February 15, 1978.
H. Res. 956, January 19, 1978: To provide funds for the Select Committee on Assassinations.	H. Rept. 95-898: Passed House March 13, 1978.
H. Res. 957, January 19, 1978: To provide funds for the Committee on Veterans' Affairs.	H. Rept. 95-899: Passed House March 3, 1978.
H. Res. 961, January 23, 1978: To provide funds for the Committee on Standards of Official Conduct.	H. Rept. 95-870: Passed House February 15, 1978.
H. Res. 963, January 24, 1978: To provide funds for the Committee on Ways and Means.	H. Rept. 95-869: Passed House February 15, 1978.
H. Res. 971, January 24, 1978: To provide funds for the Select Committee on Ethics.	H. Rept. 95-872: Passed House February 15, 1978.
H. Res. 972, January 24, 1978: To provide funds for the Committee on Armed Services.	H. Rept. 95-875: Passed House February 15, 1978.
H. Res. 975, January 25, 1978: To provide funds for the Committee on Education and Labor.	H. Rept. 95-874: Passed House February 15, 1978.
H. Res. 976, January 25, 1978: To provide funds for the Committee on Banking, Finance and Urban Affairs.	H. Rept. 95-900: Passed House March 10, 1978.
H. Res. 978 January 25, 1978: To provide funds for the Committee on Interstate and Foreign Commerce.	H. Rept. 95-963: Passed House April 4, 1978.

H. Res. 361, March 2, 1977: To provide funds for the Committee on House Administration.	H. Rept. 95–58: Passed House March 9, 1977.
H. Res. 370, March 3, 1977: To provide funds for the Committee on Small Business.	H. Rept. 95–92: Passed House March 22, 1977.
H. Res. 378, March 3, 1977: To provide funds for the Committee on Interior and Insular Affairs.	H. Rept. 95–93: Passed House March 22, 1977.
H. Res. 382, March 4, 1977: To provide funds for the Select Committee on Aging.	H. Rept. 95–94: Passed House March 22, 1977.
H. Res. 393, March 9, 1977: To provide funds for the leadership offices and other purposes.	H. Rept. 95–101: Passed House March 31, 1977.
H. Res. 428, March 22, 1977: To provide funds for the Select Committee on Ethics.	H. Rept. 95–134: Passed House March 31, 1977.
H. Res. 434, March 23, 1977: To provide funds for the Committee on International Relations.	H. Rept. 95–135: Passed House March 31, 1977
H. Res. 435, March 24, 1977: To extend the period during which payments from the contingent fund of the House may be made under H. Res. 11, 95th Congress.	Passed House March 30, 1977.
H. Res. 436, March 24, 1977: To provide funds for the former Select Committee on Professional Sports.	H. Rept. 95–136: Passed House March 31, 1977.
H. Res. 465, March 31, 1977: To provide funds for the Select Committee on Assassinations.	H. Rept. 95–223: Passed House April 28, 1977.
H. Res. 489, April 18, 1977: To provide funds for the Committee on Congressional Operations.	H. Rept. 95–227: Passed House May 2, 1977.
H. Res. 531, April 29, 1977: To provide funds for the Ad Hoc Committee on Energy.	H. Rept. 95–365: Passed House May 26, 1977.
H. Res. 843, October 18, 1977: To provide funds for the Select Committee on Population.	H. Rept. 95–785: Passed House November 3, 1977.
H. Res. 280, February 9, 1977: To provide funds for the Committee on Banking, Finance and Urban Affairs.	H. Rept. 95–88: Passed House March 22, 1977.
H. Res. 283, February 9, 1977: To provide funds for the Committee on Interstate and Foreign Commerce.	H. Rept. 95–132: Passed House March 31, 1977.
H. Res. 297, February 16, 1977: To provide funds for the Committee on Science and Technology.	H. Rept. 95–52: Passed House March 9, 1977.
H. Res. 298, February 17, 1977: To provide funds for the Committee on Agriculture.	H. Rept. 95–89: Passed House March 22, 1977.
H. Res. 310, February 22, 1977: To provide funds for the Committee on Armed Services.	H. Rept. 95–90: Passed House March 22, 1977.
H. Res. 313, February 22, 1977: To provide funds for the Committee on International Relations.	H. Rept. 95–53: Passed House March 9, 1977.
H. Res. 319, February 23, 1977: To provide funds for the Committee on International Relations.	H. Rept. 95–54: Passed House March 9, 1977.

H. Res. 321, February 23, 1977: To provide funds for the Committee on Merchant Marine and Fisheries.	H. Rept. 95–55: Passed House March 9, 1977.
H. Res. 328, February 24, 1977: To provide funds for the Committee on Government Operations.	H. Rept. 95–133: Passed House March 31, 1977.
H. Res. 329, February 24, 1977: To provide funds for the Committee on the District of Columbia.	H. Rept. 95–56: Passed House March 9, 1977.
H. Res. 334, February 24, 1977: Providing for the continuation of the appointment of a special counsel to represent the House and the Committee on Interstate and Foreign Commerce in certain judicial proceedings.	H. Rept. 95–226: Passed House May 9, 1977.
H. Res. 343, February 28, 1977: To provide funds for the Ad Hoc Select Committee on the Outer Continental Shelf.	H. Rept. 95–91: Passed House March 22, 1977.
H. Res. 357, March 1, 1977: To provide funds for the Committee on the Judiciary.	H. Rept. 95–57: Passed House March 9, 1977.

LISTING OF BILLS AND RESOLUTIONS ACTED UPON BY THE SUBCOMMITTEE

H. Res. 12, January 4, 1977: To permit all employees of the House of Representatives to contribute, through payroll withholdings, to charitable organizations in coordination with the Combined Federal Campaign and other fund-raising in the executive branch of the Federal Government.	H. Rept. 95–490: Passed House August 5, 1977.
H. Res. 132, January 19, 1977: To provide funds for the Committee on Veterans' Affairs.	H. Rept. 95–44: Passed House March 9, 1977.
H. Res. 189, January 26, 1977: Provided funds for the Committee on Rules.	H. Rept. 95–87: Passed House March 22, 1977.
H. Res. 221, January 31, 1977: To providing funds for the Committee on Ways and Means.	H. Rept. 95–45: Passed House March 9, 1977.
H. Res. 233, February 2, 1977: To provide funds for the Committee on Standards of Official Conduct.	H. Rept. 95–46: Passed House March 9, 1977.
H. Res. 248, February 3, 1977: To provide funds for the Committee on Education and Labor.	H. Rept. 95–47: Passed House March 9, 1977.
H. Res. 256, February 7, 1977: To provide funds for the Committee on Post Office and Civil Service.	H. Rept. 95–48: Passed House March 9, 1977.
H. Res. 261, February 7, 1977: To provide funds for the Committee on House Administration.	H. Rept. 95–49: Passed House February 22, 1977.
H. Res. 269, February 8, 1977: To provide funds for the Select Committee on Narcotics Abuse and Control.	H. Rept. 95–49: Passed House March 9, 1977.
H. Res. 275, February 9, 1977: To provide funds for the Committee on Public Works and Transportation.	H. Rept. 95–50: Passed House March 9, 1977.
H. Res. 279, February 9, 1977: To provide funds for the Committee on Education and Labor.	H. Rept. 95–51: Passed House March 9, 1977.

February 14, 1978—Testimony was heard favoring the following funding resolution:

H. Res. 1003—Committee on Public Works and Transportation.
H. Res. 1012—Committee on Rules.

February 15, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 956—Committee on Assassinations.
H. Res. 996—Committee on International Relations.
H. Res. 1021—Committee on Aging.

February 21, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 976—Committee on Banking, Finance and Urban Affairs.
H. Res. 979—Committee on Interior and Insular Affairs.
H. Res. 1001—Committee on Government Operations.
H. Res. 1010—Committee on the Judiciary.

February 22, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 953—Committee on the District of Columbia.
H. Res. 956—Committee on Assassinations.
H. Res. 957—Committee on Veterans' Affairs.
H. Res. 1034—Committee on Intelligence.

February 28, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 978—Committee on Interstate and Foreign Commerce.
H. Res. 997—Committee on Small Business.
H. Res. 1000—Committee on Merchant Marine and Fisheries.

March 1, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 989—Committee on Population.
H. Res. 1013—Committee on Science and Technology.
H. Res. 1041—Committee on Post Office and Civil Service.

March 14, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 985—Committee on Congressional Operations.
H. Res. 1045—Committee on the Outer Continental Shelf.
H. Res. 1047—Committee on International Relations.
H. Res. 1051—Committee on Energy.

July 25, 1978—Testimony was heard favoring the following funding resolution:

H. Res. 1237—Committee on Energy.

March 24, 1977—Testimony was heard concerning the following resolutions:

H. Res. 434—Committee on International Relations (funding).

H. Res. 435—To extend period during which Contingent Fund payments may be made under H. Res. 11 of the 95th Congress.

H. Res. 436—Committee on Professional Sports (funding).

April 20, 1977—Testimony was heard concerning the following resolutions:

H. Res. 334—Continuation of appointment of special counsel to represent the House and the Committee on Interstate and Foreign Commerce.

H. Res. 465—Committee on Assassinations (funding).

H. Res. 489—Committee on Congressional Operations.

April 26, 1977—Testimony was heard concerning the following resolutions:

H. Res. 62—Vietnam Congressional Intern Program.

H. Res. 542—Providing that individuals teaching or attending vocational schools be eligible to serve as congressional interns.

H. Res. 673—Senior Citizen Intern Program.

May 17, 1977—Testimony was heard favoring the following funding resolution:

H. Res. 531—Committee on Energy.

June 16, 1977—Testimony was heard regarding the following resolution:

H. Res. 12—Charitable contributions by House employees through payroll withholdings.

October 26, 1977—Testimony was heard favoring the following funding resolution:

H. Res. 843—Committee on Population.

November 1, 1977—Testimony was heard favoring the following funding resolution:

H. Res. 843—Committee on Population.

November 29, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 915—Committee on International Relations.
H. Res. 921—Committee on Small Business.

February 1, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 971—Committee on Ethics.
H. Res. 975—Committee on Education and Labor.

February 2, 1978—Testimony was heard favoring the following funding resolution:

H. Res. 954—Committee on Agriculture.

February 7, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 961—Committee on Standards of Official Conduct.
H. Res. 963—Committee on Ways and Means.

February 8, 1978—Testimony was heard favoring the following funding resolutions:

H. Res. 972—Committee on Armed Servics.
H. Res. 981—Committee on International Relations.
H. Res. 1004—Committee on Narcotics Abuse and Control.

HEARINGS

February 22, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 248—Committee on Education and Labor.
H. Res. 279—Committee on Education and Labor.

February 23, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 221—Committee on Ways and Means.
H. Res. 233—Committee on Standards of Official Conduct.
H. Res. 269—Select Committee on Narcotics Abuse and Control.

February 24, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 256—Committee on Post Office and Civil Service.
H. Res. 275—Committee on Public Works and Transportation.
H. Res. 297—Committee on Science and Technology.

March 1, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 132—Committee on Veterans' Affairs.
H. Res. 321—Committee on Merchant Marine and Fisheries.
H. Res. 329—Committee on District of Columbia.

March 2, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 313—Committee on International Relations.
H. Res. 319—Committee on International Relations.
H. Res. 356—Committee on the Judiciary.
H. Res. 361—Committee on House Administration.

March 3, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 189—Committee on Rules.
H. Res. 280—Committee on Banking, Finance and Urban Affairs.
H. Res. 298—Committee on Agriculture.

March 8, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 283—Committee on Interstate and Foreign Commerce.
H. Res. 310—Committee on Armed Services.
H. Res. 328—Committee on Government Operations.
H. Res. 343—Committee on the Outer Continental Shelf.

March 9, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 370—Committee on Small Business.
H. Res. 378—Committee on Interior and Insular Affairs.
H. Res. 382—Committee on Aging.
H. Res. 393—Leadership Offices and other purposes.

March 23, 1977—Testimony was heard favoring the following funding resolutions:

H. Res. 428—Committee on Ethics.

Subcommittee on Libraries and Memorials

JURISDICTION

The Subcommittee on Library and Memorials carries out the responsibilities of the Committee as to matters relating to the Library of Congress and the Smithsonian Institution, as well as proposals for the construction of monuments on Federally owned land in the District of Columbia.

ACTS AND OTHER AUTHORITY SUBJECT TO SUBCOMMITTEE OVERSIGHT

The Subcommittee exercises oversight over the Library of Congress and the Smithsonian Institution. In such capacity, the Subcommittee acts upon legislation dealing with the reappointment of the Smithsonian's Regents; reservation of a site on the Mall for the future use of the Smithsonian; authorization for the planning of a Museum Support Facility for the Smithsonian; procurement of a bust of Martin Luther King, Jr.; creation of an American Folklife Center in the Library of Congress; a memorial to the memory of the 101st Air-Borne Division; an amendment to the National Portrait Gallery Act of 1962; and a redefinition of the payment of interest by the Department of Treasury on Library of Congress Trust Funds held by the Treasury.

HEARINGS

April 29, 1977—Testimony was heard concerning the following bills and resolutions:

H.R. 2960—Memorial in honor of 56 signers of the Declaration of Independence.

H.R. 5981—Amend American Folklife Preservation Act.

H.R. 6214—Establishment of a Center for the Book in the Library of Congress.

H. Con. Res. 60—Bust of Martin Luther King, Jr., in the Capitol.

June 22, 1977—Testimony was heard concerning the following bills and resolutions:

H.R. 4751—To amend Title 44 U.S.C.—depository libraries of Government documents.

June 29, 1977—Testimony was heard concerning the following bills and resolutions:

H.R. 4751—To amend Title 44 U.S.C.—depository libraries of Government documents.

March 16, 1978—Testimony was heard concerning the following bills and resolutions:

H.R. 10392—Hubert H. Humphrey Fellowship.

S. 2220—Assistant Secretary of the Treasury to serve as a member of the Library of Congress Trust Fund Board.

S.J. Res. 106—Appointment to the Board of Regents of the Smithsonian Institution.

S.J. Res. 107—Appointment to the Board of Regents of the Smithsonian Institution.

S.J. Res. 108—Appointment to the Board of Regents of the Smithsonian Institution.

LISTING OF BILLS AND RESOLUTIONS ACTED UPON BY THE SUBCOMMITTEE

H. R. 2960, February 2, 1977: To authorize the Secretary of the Interior to erect a memorial in honor of the 56 signers of the Declaration of Independence in Constitution Gardens in the District of Columbia.	H. Rept. 95–462: Passed House July 11, 1977. Public Law 95-260.
H. R. 5981, April 4, 1977: To amend the American Folklife Preservation Act to extend the authorizations of appropriations contained in such Act.	H. Rept. 95–865: Passed House February 28, 1977. Public Law 95-259.
H. R. 6214, April 6, 1977: To provide for the establishment of a Center for the Book in the Library of Congress, and for other purposes.	H. Rept. 95–491: Passed House September 26, 1977. as S. 1331.
H. R. 8358, July 15, 1977: To amend Title 44 of the U.S.C., to provide for the designation of libraries of accredited law schools as depository libraries of Government publications.	H. Rept. 95–650: Passed House October 25, 1977. Public Law 95-261.
H.R. 10392, December 15, 1977: To establish a Hubert H. Humphrey Fellowship in Social and Political Thought at the Woodrow Wilson International Center for Scholars at the Smithsonian Institution and to establish a trust fund to provide a stipend for such fellowship.	H. Rept. 95–1062: Passed House May 15, 1978. Public Law 95-286.
H. Con. Res. 60, January 17, 1977: Authorizing a bust or statue of Martin Luther King, Jr., to be placed in the Capitol.	H. Rept. 95–486: Passed House September 26, 1977.

S. 2220, October 19, 1977: To authorize the Secretary of the Treasury to designate an Assistant Secretary to serve in his place as a member of the Library of Congress Trust Fund Board.	H. Rept. 95-1067: Passed House May 1, 1978. Public Law 95-277.
S. J. Res. 106, January 27, 1978: To provide for the reappointment of A. Leon Higginbotham, Jr., as a citizen regent of the Board of Regents of the Smithsonian Institution.	H. Rept. 95-1064: Passed House May 1, 1978. Public Law 95-274.
S. J. Res. 107, January 27, 1978: To provide for the reappointment of John Paul Austin as a citizen regent of the Board of Regents of the Smithsonian Institution.	H. Rept. 95-1065: Passed House May 1, 1978. Public Law 95-275.
S. J. Res. 108, January 27, 1978: To provide for the appointment of Anne Legendre Armstrong as a citizen regent of the Board of Regents of the Smithsonian Institution.	H. Rept. 95-1066: Passed House May 1, 1978. Public Law 95-276.
S. Con. Res. 25, May 16, 1977: Providing for the acceptance of a statute of the late Senator Ernest Gruening presented by the state of Alaska for the National Statuary Hall collection, and for other purposes.	Passed House September 26, 1977, voice vote.

SUBCOMMITTEE ON PRINTING

JURISDICTION

The rules of the House Administration Committee define the jurisdiction of the Printing Subcommittee as follows: matters pertaining to cost of printing, Government Printing Office, depository libraries, material printed in the Congressional Record, and authorization for printing Army Engineers' reports.

HEARINGS

March 29, 1977—Testimony was heard regarding the following resolutions:

H. Con. Res. 162—Printing of "Give Yourself Credit: Guide to Consumer Credit Laws".

H. Res. 246—Providing for the printing of a subcommittee report.

H. Res. 363—Provide for printing relating to procurement of ADP resources.

H. Res. 379—Printing as a House document the dedication ceremony of portrait of the Honorable Melvin Price.

April 25, 1977—Testimony was heard regarding the following resolutions:

S.J. Res. 44—Printing of an Edition of Senate Procedure.

May 17, 1977—Testimony was heard regarding the following bills and resolutions:

H.R. 133—Printing of certain proceedings of the Italian American War Veterans as a House document.

H. Con. Res. 182—Providing for the printing of the pamphlet entitled "Black Americans in Congress".

H. Con. Res. 190—Printing of "How Our Laws Are Made".

H. Con. Res. 217—Printing of a revised edition of "The Constitution of the United States of America".

H. Con. Res. 222—Printing of a revised edition of "The Capitol".

May 23, 1977—Testimony was heard regarding the following bills and resolutions:

H. Con. Res. 441—Providing for the printing of "New Perspectives in Health Care for Older Americans".

H. Res. 847—Printing of a print of the Committee on Science and Technology.

H. Res. 1136—Printing of the booklet entitled "Duties of the Speaker".

S. 1267—To amend sections 3303a and 1503 of title 44, United States Code.

May 25, 1977—Testimony was heard regarding the following resolutions:

H. Con. Res. 190—Printing of "How Our Laws are Made".

H. Con. Res. 217—Printing of a revised edition of "The Constitution of the United States of America".

H. Con. Res. 222—Printing of a revised edition of "The Capitol".

June 23, 1977—Testimony was heard regarding the following resolutions:

H. Con. Res. 182—Printing of "Black Americans in Congress".

June 28, 1977—Testimony was heard regarding the following resolutions:

H. Con. Res. 204—Printing of revised edition of "Our Flag".

H. Con. Res. 205—Printing of revised edition of "Our American Government".

H. Con. Res. 241—Printing of additional copies of "Give Yourself Credit: Guide to Consumer Credit Laws".

H. Con. Res. 263—Printing of additional copies of "The Role of the Federal Government in Nutrition Education".

H. Res. 490—Reprinting of House Report 94–1688 and House Report 94–1757.

H. Res. 608—Printing of the final report of the American Indian Policy Review Commission.

H. Res. 654—Printing of a committee print of the Subcommittee on the City.

October 25, 1977—Testimony was heard regarding the following resolutions:

S. Con. Res. 52—Printing of additional copies of the booklet entitled "The Senate Chamber, 1810–1859".

October 26, 1977—Testimony was heard regarding the following resolutions:

H. Con. Res. 190—Printing of "How Our Laws Are Made".

H. Con. Res. 204—Printing of revised edition of "Our Flag".

H. Con Res. 205—Printing of revised edition of "Our American Government".

H. Con. Res. 222—Printing of a revised edition of "The Capitol".

H. Con. Res. 241—Printing of additional copies of "Give Yourself Credit: Guide to Consumer Credit Laws".

H. Res. 662—Printing of dedication ceremony of the Portrait of the Honorable Peter W. Rodino, Junior.

H. Res. 837—To provide for the printing of "The Coordination of U.S. International Economic Policy".

April 27, 1978—Testimony was heard regarding the following resolutions:

H. Res. 1105—Printing of a Congressional Research Guide document.

May 23, 1978—Testimony was heard regarding the following resolutions:

H. Con. Res. 441—Printing of the report, "New Perspectives in Health Care for Older Americans".

H. Con. Res. 556—Printing of publication relating to legislation regarding veterans.

H. Con. Res. 561—Printing of the folder "The United States Capitol".

H. Res. 932—Printing of "Mandatory Retirement: The Social and Human Cost of Enforced Idleness".

H. Res. 933—Printing of "Senior Transportation: Ticket to Dignity".

H. Res. 934—Printing of "Federal Responsibility to the Elderly".

H. Res. 1136—Providing for the printing of a booklet entitled "Duties of the Speaker".

LISTING OF BILLS AND RESOLUTIONS ACTED UPON BY THE SUBCOMMITTEE

H.R. 133, January 4, 1977: To amend the Act of March 2, 1931, to provide that certain proceedings of the Italian American War Veterans of the United States, Incorporated, shall be printed as a House document, and for other purposes.	H. Rept. 95-489 Reported July 12, 1977.
H. Res. 246, February 2, 1977: To provide for the printing of a subcommittee report.	H. Rept. 95-147 Passed House Apr. 25, 1977.
H. Res. 363, March 2, 1977: To provide for the printing of the report relating to procurement of ADP resources by the Federal Government.	H. Rept. 95-148 Passed House Apr. 25, 1977.
H. Res. 379, March 3, 1977: Authorizing the printing as a House document the dedication ceremony of the portrait of the Honorable Melvin Price, Chairman, Committee on Armed Services.	H. Rept. 95-146 Passed House Apr. 25, 1977.
H. Res. 490, April 18, 1977: To provide for reprinting of H. Rept. 94-1688 and H. Rept. 94-1757.	H. Rept. 95-554 Passed House Sept. 28, 1977.
H. Res. 608, June 1, 1977: Providing for the printing of the final report of the American Indian Policy Review Commission.	H. Rept. 95-555 Reported. Aug. 1, 1977.
H. Res. 654, June 23, 1977: Authorizing the printing, as a House document, of a certain committee print of the Subcommittee on the City of the Committee on Banking, Finance and Urban Affairs.	H. Rept. 95-556 Passed House Sept. 28, 1977.
H. Res. 662, June 27, 1977: Authorizing the printing as a House document the dedication ceremony of the portrait of the Honorable Peter W. Rodino, Jr., Chairman, Committee on the Judiciary.	H. Rept. 95-803 Passed House Nov. 3, 1977.
H. Res. 837, October 17, 1977: Authorizing the printing of the committee print entitled "The Coordination of United States International Economic Policy".	H. Rept. 95-802 Passed House Nov. 3, 1977.
H. Res. 847, October 19, 1977: Providing for the printing as a House document of a print of the Committee on Science and Technology.	H. Rept. 95-1270 Passed House June 7, 1978.

H. Res. 932, December 8, 1977: Providing for the printing of the report "Mandatory Retirement: The Social and Human Cost of Enforced Idleness".	H. Rept. 95–1269 Passed House June 7, 1978.
H. Res. 933, December 8, 1977: Providing for the printing of the report "Senior Transportation: Ticket to Dignity".	H. Rept. 95–1268 Passed House June 7, 1978.
H. Res. 934, December 8, 1977: Providing for the printing of the Committee Print "Federal Responsibility to the Elderly".	H. Rept. 95–1267 Passed House June 7, 1978.
H. Res. 1105, March 22, 1978: Providing for the printing of the Congressional Resource Guide to the Federal Effort on Narcotics Abuse and Control.	Passed House Apr. 27, 1978.
H. Res. 1136, April 18, 1978: Providing for the printing of a booklet entitled "Duties of the Speaker".	H. Rept. 95–1266 Passed House June 7, 1978.
H. Con. Res. 162, March 15, 1977: Additional copies of a subcommittee print.	H. Rept. 95–145 Passed House Apr. 25, 1977.
H. Con. Res. 182, March 29, 1977: Printing of a House document.	H. Rept. 95–485 Passed House Aug. 1, 1977.
H. Con. Res. 190, April 5, 1977: Providing for the printing of the brochure entitled, "How Our Laws Are Made".	H. Rept. 95–482 Passed House Aug. 1, 1977.
H. Con. Res. 204, April 25, 1977: To authorize the printing of a revised edition of "Our Flag" as a House document.	H. Rept. 95–553 Passed House Sept. 28, 1977.
H. Con. Res. 205, April 25, 1977: To authorize the printing of a revised edition of "Our American Government", as a House document.	H. Rept. 95–552 Passed House Sept. 28, 1977.
H. Con. Res. 217, May 9, 1977: To provide for the printing of a revised edition of "The Constitution of the United States of America".	H. Rept. 95–483 Passed House Aug. 1, 1977.
H. Con. Res. 222, May 13, 1977: To authorize the printing of a revised edition of "The Capitol" as a House document.	H. Rept. 95–484 Passed House Aug. 1, 1977.
H. Con. Res. 241, June 8, 1977: Providing for the printing of 100,000 additional copies of the subcommittee print of the Subcommittee on Consumer Affairs of the Committee on Banking, Finance, and Urban Affairs entitled "Give Yourself Credit: Guide to Consumer Credit Laws".	H. Rept. 95–551 Passed House Sept. 28, 1977.
H. Con. Res. 263, June 24, 1977: Providing for the printing of three thousand additional copies of the report by the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition of the Committee on Agriculture entitled "The Role of the Federal Government in Nutrition Education".	H. Rept. 95–550 Passed House Sept. 19, 1977.
H. Con. Res. 441, December 8, 1977: Providing for the printing of the report "New Perspectives in Health Care for Older Americans".	H. Rept. 95–1265 Passed House June 7, 1978.
H. Con. Res. 556, April 11, 1978: To provide for the printing of publications relating to veterans.	Tabled by Subcommittee May 31, 1978.
H. Con. Res. 561, April 18, 1978: Providing for the printing of "The United States Capitol".	H. Rept. 95–1264 Passed House June 7, 1978.
S. 1267, April 6, 1977: To amend sections 3303a and 1503 of title 44 United States Code, to require mandatory application of the General Records Schedules to all Federal agencies and to resolve conflicts between authorizations for disposal and to provide for the disposal of Federal Register documents.	H. Rept. 95–1263 Reported June 5, 1978
S. Con. Res. 52, October 11, 1977: Authorizing the printing of additional copies of the booklet entitled "The Senate Chamber, 1810–1859".	H. Rept. 95–804 Passed House Nov. 3, 1977.

S. J. Res. 44, April 5, 1977: To authorize the printing and binding of an edition of Senate Procedure and providing the same shall be subject to copyright by the author.	Passed House Apr. 25, 1977 P.L. 95–27.

SUBCOMMITTEE ON PERSONNEL AND POLICE

JURISDICTION

The Subcommittee on Personnel and Police reviews the performance of employee positions and directs its attention to personnel matters under the four Officers of the House of Representatives: the Clerk, the Sergeant at Arms, the Doorkeeper and the Postmaster.

ACTS AND OTHER AUTHORITY SUBJECT TO COMMITTEE OVERSIGHT

The Subcommittee continues to review and evaluate the performance of duties of the employees and continues to perform various studies relating to personnel matters under the four House Officers. In addition, the Subcommittee works closely with the U.S. Capitol Police Board in administering the 1140 members of the U.S. Capitol Police Force. It continues to review and implement the security system authorized by House Concurrent Resolution 550 of the 92nd Congress.

The Subcommittee also has the responsibility of coordinating the Capitol Hill employees carpool. Presently there are 3000 employees of the House of Representatives, the Senate, the Supreme Court, the Library of Congress, the Architect of the Capitol, The Federal Home Loan Board and the Securities and Exchange Commission participating in this carpool program.

HEARINGS

July 19, 1977—Testimony was heard concerning the following bills and resolutions:

H. Res. 661—Two additional positions on the Capitol Police.

LISTING OF BILLS AND RESOLUTIONS ACTED UPON BY THE SUBCOMMITTEE

H. Res. 661, June 27, 1977: Providing for two additional positions on the Capitol Police, and for other purposes.	H. Rept. 95–522: Passed House July 29, 1977.

SUBCOMMITTEE ON CONTRACTS

SUBCOMMITTEE JURISDICTION

The rules of the House Administration Committee define the jurisdiction of the Contracts Subcommittee as the following: matter pertaining to committee employees under contract for services rendered.

HEARINGS

No formal testimony by witnesses at the Subcommittee meetings.

SUBCOMMITTEE BILLS AND RESOLUTIONS

No legislation referred or passed.

SUBCOMMITTEE ON SERVICES

JURISDICTION

Matters pertaining to parking facilities, Restaurant facilities, Barber and Beauty Shop facilities, and other House services.

HEARINGS

May 10, 1977, June 28, 1977, and September 29, 1977—Testimony was heard concerning the following bills and resolutions:

H. Res. 315—Employees of the House Beauty Shop.

LISTING OF BILLS AND RESOLUTIONS ACTED UPON BY THE SUBCOMMITTEE

H. Res. 315, February 23, 1977: To provide that employees of the House Beauty Shop shall be subject to the compensation classification system established by the House Employees Position Classification Act, and for other purposes.	H. Rept. 95–756: Passed House November 1, 1977.

SUBCOMMITTEE ON OFFICE SYSTEMS

JURISDICTION

Matters pertaining to furniture, electrical and mechanical office equipment and other accoutrements for use in the office of Members, Officers or Committees and matters pertaining to the development of management systems for such offices.

HEARINGS

No formal testimony by witnesses at Committee meetings.

SUBCOMMITTEE BILLS OR RESOLUTIONS

No legislation referred or passed.

GENERAL DISCUSSION

House Resolution 977 provided funds in the amount of $10,995,000 for maintenance and improvement of ongoing computer services for the House of Representatives by the Committee on House Administration, during the 2d session of the 95th Congress.

1. COMPUTER SUPPORT TO THE HOUSE

The Committee on House Administration established the House information systems (HIS) staff early in the 92d Congress in response to a growing awareness that modern information systems methods could enhance House procedures and improve legislative effectiveness. This outlook, which was nurtured in the late 1960's through legislative efforts that culminated in the Legislative Reorganization Act of 1970, was based in part on the need of the House, as a large and important American institution, to equip itself to meet the increasing demands placed on it by utilizing proven modern techniques employed extensively and effectively by other institutions and by business. It was also based on the perception that Congress' ability to meet its information requirements suffered greatly in comparison with the executive branch capability. In fact, the extent of House computing at the beginning of the 92d Congress consisted of a small data processing facility directed by the Clerk of the House toward automation of several clerical procedures, such as staff payroll functions and Members' account statements. The capability of the House to deal incisively with large quantities of data and information on which a number of legislative programs depended, for example, analyzing the Federal budget, was nonexistent.

Recognizing the need to centralize computer operations, the committee merged the Clerk's data processing office with HIS and charged HIS with developing a computer services program going beyond the administrative applications of the Clerk to more substantive legislative applications. From the outset HIS has proceeded upon a course aimed both at establishing a firm foundation for computer support to the House and at developing computer systems that provide cost-effective services to the House. These systems have been developed to meet the needs of House Members, committees, and administrative offices.

Initially, the economies of scale imposed by a body of 439 Members, each with distinctive information needs, constrained HIS to address the development of Member applications that would provide uniform services to the entire membership, rather than applications designed on an individual basis for each Member. The services provided by the two major systems developed within this approach, the vote recording system and the legislative information and status (bill status) system have exceeded their design expectations. In 1977:

The vote recording system was used for 782 rollcalls.

A total of 180,410 telephone requests for information were answered through the use of the legislative information and status system.

One hundred seventy Member offices had direct access to the legislative information and status system via terminals located in their offices compared to 30 Member offices in 1976.

A new quarterly report which was sent to each Member included legislative profiles containing summaries of the text and status of all legislation sponsored by that Member.

Although original services have been expanded, they represent only a small percentage of services currently available. For example, in 1977:

Monthly payroll checks for over 11,000 employees were produced.

Automated committee calendar preparation, which was introduced within the House in 1972 to reduce the costs and efforts of committee calendar operations, was used by all committees who publish calendars.

Services for the Clerk of the House included an enhanced Member allowance system that issues checks for Member expenditures within a day of receipt of the voucher. This process formerly took weeks and was consequently a source of frustration for many Members.

The House publication system, an electronic photocomposition system that records and publishes text, was implemented by HIS in cooperation with the Clerk and the Government Printing Office in 1977. In 8 months of publishing committee hearings this new system saved taxpayers at least $600,000. The House publication system also produced the first comprehensive House telephone directory, and was used on a test basis for the electronic publication of bills.

Efforts to provide Federal and congressional budget information began with the development of the comparative statement of new budget authority system for the Appropriations Committee in 1974. Additional systems were provided to the Appropriations and Budget Committees and the Congressional Budget Office (CBO) to assist in the analysis of the President's budget and the development of the congressional budget. In 1977 budget information maintained by the Budget Committee was made directly accessible to Members via terminals in their offices.

During the 1976–77 period there was a rapid growth in demand for HIS services in support of the policy analysis efforts of CBO, the Joint Committee on Taxation, the Committee on Science and Technology and approximately 20 other organizations. The operation of the computer models and programs implemented and augmented by HIS in 1976–77 required hundreds of hours of computer processing in 1977. These tools were used by congressional policy analysts to estimate the sensitivity of the U.S. economy to the various options of current and future legislation, such as the $50 tax rebate program and the President's welfare reform proposals. To help congressional policy analysts improve their ability to communicate information through the use of graphics, HIS developed a capability that allows users to produce charts and graphs in just a few minutes saving a large clerical effort.

The Member information network is an information service for Members who have terminals, and provides immediate access to legislative information. The network provides training and user support, as well as access to current information on legislation, House floor proceedings, and information on the budget. Members may also obtain information maintained by the Library of Congress, the Department of Justice, and the Department of Agriculture through this same network. In 1977 the number of Member offices using this service increased from 30 to 170. As shown in figure 1, this service is now provided to over 230 Member offices as of the end of 1978.

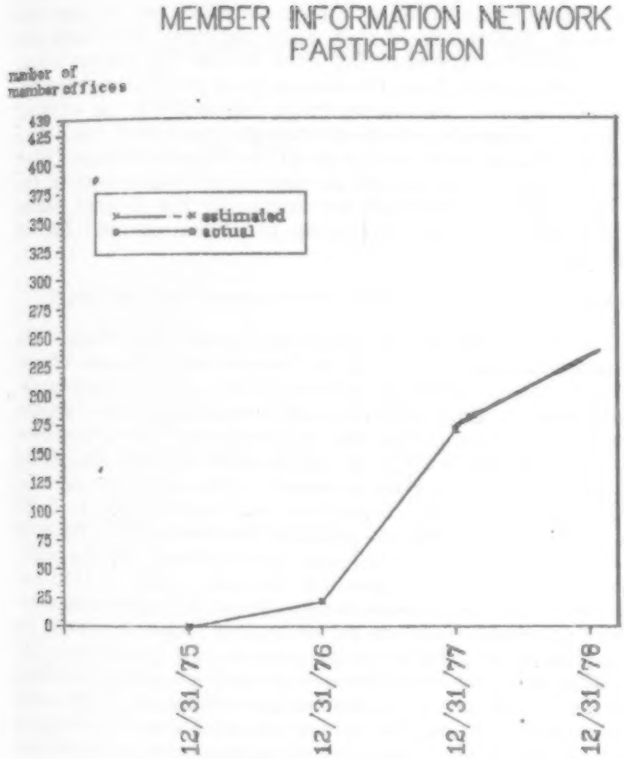
MEMBER INFORMATION NETWORK PARTICIPATION
number of member offices
430
425
400
375
350
325
300
275
250
225
200
175
150
125
100
75
50
25
0
estimated
actual
12/31/75
12/31/76
12/31/77
12/31/78

FIGURE 1

A study was performed in 1977 to determine whether the House cable TV system being installed in all House offices can be used for data transmission. The results of that study indicated that cable is a cost effective method of transmitting data within the congressional facilities. The information from the summary of proceedings and debates (SOPAD) system was successfully transmitted via existing cables to TV's in congressional offices indicating another method to disseminate information produced by the HIS computer system. Other 1977 studies focused on the potential uses of micrographics in the House, the feasibility of storing and retrieving the United States Code, and the feasibility of publishing the Congressional Record via the House publication system.

2. MANAGEMENT OF THE HOUSE INFORMATION SYSTEMS STAFF

The application of information technology to meet the needs of the House falls under the jurisdiction of the Committee on House Administration. The House information systems (HIS) staff of the committee was established in early 1971 to assist in fulfilling this jurisdictional responsibility. During the 92d, 93d, and the 94th Congresses, and the 1st session of the 95th Congress, as HIS evolved and as the responsibilities entrusted to HIS increased, a direct reporting relationship from HIS to the full committee was maintained. In retrospect, this avenue for direction and guidance was essential to the early growth of HIS within the diverse House environment. At the beginning of the 94th Congress, recognizing that the work of HIS had reached the point at which considered legislative judgments concerning computer applications must be regularly and frequently made, the committee appointed an Ad Hoc Subcommittee on Computers to fulfill this role. The subcommittee provided general guidance and direction to HIS and acted as the legislative spokesman for HIS to the full committee and the House. At the beginning of the 95th Congress, the chairman of the Committee on House Administration established the Policy Group Information and Computers to provide policy and guidance to HIS that reflects Congressional needs. The policy group oversees the activities of HIS and makes recommendations to the full committee concerning information policy for the House of Representatives.

All managerial, technical, and administrative direction of HIS is vested in the HIS director. Under the director's guidance, the HIS staff has been organized along customer lines that emphasize meeting the needs and requirements of Members, committees, and offices of the House by providing useful services through computer technology (see figure 2). The basic structure of the HIS organization consists of six divisions, each chartered to fulfill an integral part of the HIS mission, and three staff offices. Five of the divisions are charged with the direct development and support of information systems for the House for discrete types of clients (that is, committees, Members, and House officers), while the remaining division is charged with providing systems programing and data processing support. The three staff offices are for planning and evaluation, administration, and user assistance and training. The last, user assistance and training, is indicative of the HIS commitment to making it easier for non-computer-oriented staff to use the services offered by HIS.

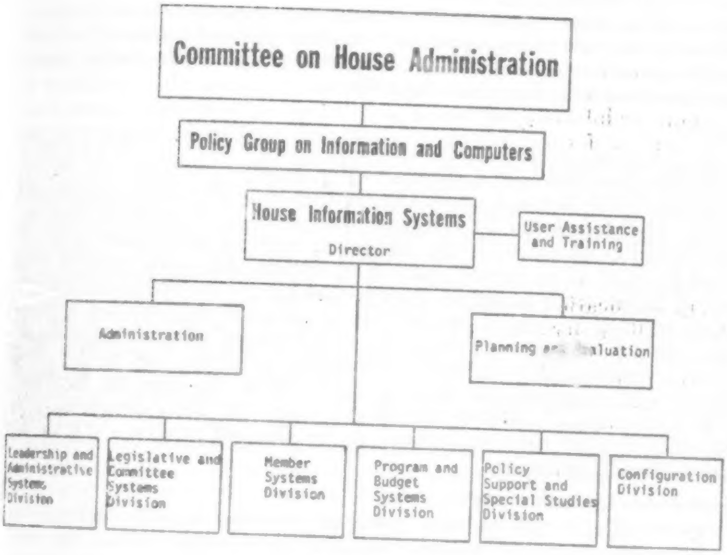
Committee on House Administration
Policy Group on Information and Computers
House Information Systems
Director
User Assistance and Training
Administration
Planning and Evaluation
Leadership and Administrative Systems Division
Legislative and Committee Systems Division
Member Systems Division
Program and Budget Systems Division
Policy Support and Special Studies Division
Configuration Division

FIGURE 2

All efforts involved in the development and operation of computer systems by HIS are authorized by the Committee on House Administration through its policy group, upon recommendation by the HIS director. The decision to expand HIS resources on information systems will be guided by the cost-of-benefit merits of each system. Requests for services will receive appropriate assessment by the HIS staff, with review and approval from the Policy Group on Information and Computers prior to implementation, in order to insure that available HIS resources are utilized in the most effective manner.

To meet this end, HIS employs a number of techniques to manage—that is, to plan, account for, and control—the use of HIS resources. Underlying the management of these resources are four fundamental requirements: first, that systems be responsive to user needs and sufficiently flexible to recognize the dynamic nature of the congressional environment; second, that authorized applications be designed on a cost-effective basis to provide efficient and broad support to the House; third, that authorized projects establish an adequate foundation from which future applications can be economically developed; and fourth, that House computer systems be compatible, where feasible, with those developed in other units of the Government, including the Senate, the Library of Congress, the Government Printing Office, and executive agencies.

3. 1978 WORK EFFORTS

Major efforts within the HIS program for 1978 are presented in this section. In view of the HIS mission to improve both the efficiency and effectiveness of the House of Representatives through the use of information and computer technology, the HIS program has been organized

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into seven operating goals. The goals constitute the means through which the mission can be fulfilled and the program defines the major efforts to be undertaken in support of these goals. A statement of each goal is presented below along with descriptions of the major efforts associated with each goal during 1978.

Goal 1

Information access: Assure efficient, effective, and reliable access to needed information from all sources by Members, committees, leadership, and other House units.—The requirements for timely and efficient access to information by congressional users in support of their responsibilities was met in the legislative systems and products developed by HIS in its initial years of operation and more recently with added capabilities to access information of the executive branch and other sources. Increased availability to all these information systems and sources has resulted from the development of a telecommunications network where various information products can be delivered directly to congressional users in their offices via terminal facilities. The assurance of reliable service to users has been enhanced with direct HIS staff support through an established program of training and technical assistance.

Member information network

The Member information network provides for the delivery of various information products directly to Member offices via telecommunications and terminal facilities. The information products currently provided include the legislative information and status system; summary of proceedings and debates system; a Member budget information data base; the Library of Congress data bases via SCORPIO (subject-content-oriented retriever for Processing Information On-line) including the legislative information file, the bibliographic citation file, and the major issues file; the Federal assistance programs retrieval system (FAPRS) data base developed by the Department of Agriculture; and JURIS (Justice retrieval inquiry system) containing legal information including the United States Code developed by the Department of Justice. During 1977 HIS continued to expand the network—both the number of participating Member offices and the availability of information products on the network. The Member budget information system (described below) was a new pilot system made available via the network during the year. By the end of 1978, a total of 230 Member offices were participating in the network. The Member offices are responsible for assuming the cost of the terminals which access the network.

Legislative information and status system (LEGIS)

The legislative information and status system is a key element in providing access to legislative information. LEGIS significantly extends the concept of the previous bill status system by providing broader coverage of legislative data achieved, in part, through closer cooperation with the Senate. With several additional kinds of legislative items included during 1977 and 1978, the system currently povides the capability to gather, validate, store, update, and retrieve data related to the following legislative items introduced in either the House or the Senate: Bills, resolutions, Presidential messages and communications, Executive agency communications, petitions, and memorials, and amendments. These and other status related data are tied together by extensive cross-referencing. Direct access to LEGIS information is gained through a network of terminals located in the offices of committees, Members, and other legislative users. The terminal network acts as a means of decentralizing access to LEGIS data. In addition to retrieval of LEGIS data, the system has the capability of producing ad hoc reports (for example, a listing of legislation reported out of committees that is sponsored or cosponsored by a given Member organized according to certain subject categories). During 1977 and 1978 the legislative profile reports containing status information on all legislation either sponsored or cosponsored by a Member were produced on a quarterly basis for all Members. Automatic tracking was improved to enable Members to request tracking by subject matter and status. Throughout 1977 and 1978 the House and Senate continued their cooperative efforts in data transfer and sharing of computer resources required by this system. In addition to reducing costs by eliminating redundant data collection, these joint efforts will ensure that House and Senate data will be more reliable and timely. In response to needs expressed by congressional users, particular emphasis has been placed on incorporating floor amendment data in LEGIS in a timely manner. Other kinds of information added include references to publications (such as the Congressional Record). To improve the accuracy and timeliness of LEGIS data, efforts were initiated to explore the possibility of committees assuming responsibility for data entry to the LEGIS system via the terminals located in their offices beginning in 1979.

The LEGIS office is the principal means through which House users who do not have terminals gain access to the LEGIS system. Terminal operators translate status information requests received by telephone into computer queries that retrieve the desired information from the data base. The LEGIS office also provides printed reports in response to more extensive requests and distributes automatic tracking reports to House and Senate subscribers. The office, which is also responsible for data collection and data quality, has attained a high degree of proficiency in understanding the structure of the legislative process, a human capability that admirably complements the power of the LEGIS system.

Committee meeting information system (COMIS)

The committee meeting information system is designed to assist committees in scheduling meetings in order to reduce the incidence of schedule conflicts for their members. This system, mandated by House rule X, clause 4(d)(3), maintains a central data base of committee memberships and scheduled meetings. It provides a capability to determine an optimal time to schedule a meeting so as to minimize Member schedule conflicts. The system provides a data retrieval and query capability to committees using terminals located in their offices to obtain information about scheduled meetings. In addition, printed reports notifying committees of meeting schedules are disseminated by the system. Monthly reports of meetings held by a committee are generated to assist the committees in reporting this information to the Committee on House Administration. During 1977 the system became operational providing printed reports and data retrieval to all committees. In addition, selected committees and the House Daily Digest Office have the capability to enter scheduled meeting and meeting outcome information through their office terminals. In 1978 additional committees began to enter meeting information. The current services of printed reports of meeting schedules and the data retrieval capability will continue to be available to all committees.

Summary of proceedings and debates system (SOPAD)

The summary of proceedings and debates system provides a summary of in-progress floor activity directly accessible through the telecommunications network of terminals located in the offices of Members, committees, and other congressional users. A staff of reporters, editors, and data entry personnel prepare summaries of floor actions and debate and enter those summaries into the system approximately every 10 minutes. Information can be retrieved from SOPAD by a number of options: why the bells are ringing; the entire debate starting from the beginning of the day or from a specified time; statements made by a specific Member; the debate related to a specific bill; and the future schedule of House activity. During 1977 operational support was continued with the implementation of an improved data entry capability and several new features and retrieval options. In addition, dissemination of SOPAD information via the House's closed circuit television facilities was instituted. In response to needs expressed by congressional users for more timely and improved access to vote results, a new capability enabling vote data from the vote recording system to be made available via SOPAD was implemented in 1978; so that detailed data on Members' voting could be made immediately accessible through SOPAD. Also as a result of requests from congressional users, additional data on floor amendments has been included on SOPAD.

Legislative data base

A basic element in providing access to legislative information is the legislative data base system. This system is the vehicle for validating and gathering into a central repository the data used by a variety of legislative systems such as LEGIS, COMIS, and SPOAD. Data incorporated in this system includes Member and committee identification data, bill description (digest) and status data, committee and floor action data, and legislative data related to analogous Senate entities. Significant benefits to be derived from the legislative data base system are the elimination of redundant data entry and more cost-effective use of computer systems by House staff.

Member budget information system

The Member budget information system was implemented as a pilot system during 1977. The pilot system, accessible through the Member information network, provides a query capability to display a variety of tables containing the latest budget information at the Member's office terminal. The House Budget Committee is responsible for updating and maintaining the budget tables. In 1978, HIS implemented the capability for Members and other offices to retrieve and display on their terminals congressional budget information at the program level, as well as new categories of information such as budgetary terms, budgetary questions and answers, and economic initiatives.

Outlays system

During 1977 HIS completed an analysis of an HEW budget data base containing outlay and obligation budget data by geographical (including congressional districts) area. During 1978 a pilot on-line system was implemented for retrieval of data showing HEW obligations by geographic location, enabling a Member to determine what budget funds are being allocated to his district.

Legal retrieval system

In response to interest for an improved legal research capability expressed by the Law Revision Counsel, initial efforts to develop a legal retrieval system were undertaken during 1977 with the development of a demonstration retrieval capability using two titles of the United States Code for the Law Revision Counsel. This capability can be provided at relatively low cost since the text is already in machine readable form for publication purposes. In 1978, HIS provided the Law Revision Counsel with the capability to conduct legal research through access to the United States Code, House Rules, and other data bases and to test the utility of providing such a capability to Members, committees, and House offices. Methods of publishing the United States Code using both the legal retrieval data base and the bill publishing data base will be explored.

Communications network

During 1977 a study of House communications network requirements was completed in order to permit HIS use of the House cable technology for data communications. Plans were completed in 1978 to develop and install a pilot system in House Office Building Annex No. 2 for the purpose of testing the equipment. This is preparatory to HIS installation of equipment in Member and other offices for use of the House's cable system beginning in early 1980.

User assistance and training office

A major milestone to assure reliable service and enhance HIS congressional user support was achieved during 1977 with the formation and staffing of an HIS user assistance and training office. Functioning as a focal point for user problems the office keeps congressional users informed on the status of HIS systems and the availability of terminal equipment, and provides technical assistance for terminal equipment as well. Through the conduct of training and the provision of technical publications and user documentation, the office also seeks to keep Member staffs and other congressional users fully informed in the use of systems, data bases, and services available through HIS. During 1977 the user assistance and training office provided training to over 650 students and responded to approximately 7,000 user inquiry telephone calls. During 1978 user assistance support was extended to reflect the expansion of network services to more Member offices. The level of training was also expanded in 1978 to meet the increase in the number of users. A special service representative program began in late 1978 to provide more personal and direct support to Member offices regarding the use of information systems of computer equipment.

Goal 2

Program and budget: Assure consistent budget and program performance data needed by Members, committees, and support units.—Efforts in support of the program and budget goal are directed toward the analytical, procedural, and informational requirements of Members, House committees, and other offices that are engaged in the congressional budget process. The amount of information that must be processed, the various aggregation levels that are employed, and the time constraints imposed by the Congressional Budget and Impoundment Control Act of 1974 make it imperative that information technology be applied to the budget process. As with other legislative information, responsibility for budget actions is dispersed but the budgetary information still needs to come from a central source to ensure that it is comprehensive and consistent. The Congressional Budget Office (CBO) plays a central role in the coordination of budgetary data and HIS supports that role by providing part of the computer and communications facilities utilized by CBO. The costs of resources expended on behalf of CBO are borne by CBO. HIS also supports the particular budgetary information needs of House committees, especially the House Committee on Appropriations.

Comparative statement of new budget authority (CSBA) system

The comparative statement of new budget authority system provides the House Appropriations Committee with a capability to manage budget data for analyses and presentation of alternative budget levels. This system, which is used extensively by Appropriation Subcommittees in markup sessions, utilizes a commercial computer service. The system organizes the OMB budget data according to subcommittee jurisdictions, provides updates based on congressional actions, and produces the CSBA reports. The reports contain data in table format that reflect congressional action on a single appropriation bill as compared to the President's budget request and prior year action. The HIS developed computer programs have been made available to the Senate and the Appropriations Committees of the two bodies to transfer CSBA data electronically through an external computer service. While operational support continued in 1977, improvements were made to dramatically reduce the time required for the House Appropriations Committee to produce CSBA tables by automating the loading of OMB budget data and the spring supplemental budget data. The consistency and validity of the initial table creation process was also improved by automation. In 1978, HIS provided appropriations with reports used as worksheets that are distributed to the subcommittees in the markup process. The system will maintain the summary tables used to produce reports that appear in the Appropriations Committee "brown book".

Rescissions and deferrals and new budget authority systems

Two additional systems have been developed in support of the Appropriations Committee. The rescissions and deferrals system contains a record of congressional actions concerning Presidential requests for the rescission or the deferral of budget authority. The new budget authority (horseblanket) system provides a summary of actions taken by the House and Senate Appropriations Committees on appropriations bills. During 1977 and 1978, operational support for both these systems continued on the commercial facility. The rescissions and deferrals system underwent further developments, including the first instance of the automatic production of tables on rescissions and deferrals data for the "brown book". Current services will continue as well for the new budget authority system which produces three standard reports: the new budget authority report, the House Whip report, and the budget surplus and deficit report.

Legislative classification system (*LCS*)

The CBO has identified the authorizing legislation (public law) and related descriptive characteristics such as legal citations, committee jurisdictions, and parliamentarian rules for each appropriation account in the Fedreal budget. The objective of the legislative classification system is to provide the capability to cross reference OMB/Treasury account structure with the appropriate public law and citation and with the expiration date of the legislation. While operational support continued in 1977, the system was enhanced by redesigning portions to ensure more efficient processing and by adding new features to allow for new data. In 1977 the data base was expanded to include references for each section of law authorizing budget authority enacted in the first session of the 95th Congress. In 1978, HIS continued to produce reports containing current information and new categories requested by CBO for use by both CBO and the legislative committees of both the House and the Senate. New enhancements included restructuring the files and rewriting the data entry programs to reduce utilization of computer resources.

Congressional scorekeeping system (*CSS*)

The congressional scorekeeping system, which is under the control of CBO and utilizes a commercial computer service, provides the capability to track budget authority and outlays at the function and account levels for House Senate Budget and Appropriations Committees' actions, standing committee actions, and conference reports. Furthermore, it keeps score on congressional action in terms of concurrent resolution ceilings.

Budget tracking system

The budget tracking systems are used by authorizing committees to record congressional budgetary actions on items of interest to each particular committee, and to prepare views and estimates required by the Congressional Budget and Impoundment Control Act of 1974. The budget data is provided in the form of standard and ad hoc printed reports. The information is generally maintained at a finer level of detail than is available in the data used by the Budget and Appropriations Committees. In 1977 operational support was provided to the three committees for whom budget tracking systems had been developed: Education and Labor, Public Works and Transportation, and Veterans' Affairs. In addition requirements were defined for a general budget tracking system that can be used by all legislative committees. Operational support was provided to six committees, including the three committees supported in 1977, plus the Merchant Marine and Fisheries Committee, the Interior and Insular Affairs Committee, and the Armed Services Committee.

Project control system

The project control system for CBO assists them in reporting project status to the House and Senate Budget Committees and the Congressional Research Service. This system provides a capability for the CBO Director to review the current CBO workload and to project status on a weekly basis. Reports which include graphic displays of data are produced weekly and monthly. Operational support was continued in 1977 and 1978 with some enhancements to the graphic displays of data.

Program fiscal data base system

The program fiscal data base, developed in 1977 and 1978 for CBO, provides a centralized data base containing Presidential and congressional budget information including both detailed descriptive data on each budget account and the fiscal dollars as tracked through Congress. The system brings together data from two CBO data bases: the legislative classification system and the congressional scorekeeping system. An important interface was developed to link the system to the Member budget information system and the budget tracking systems.

Fiscal data base system

The fiscal data base system incorporates all OMB budget files into a comprehensive, integrated data base. The objective of his approach is to ensure that all systems utilizing fiscal data can be reconciled against a common and validated base line. This system eliminates the redundancy in maintaining fiscal and budgetary data for different application systems and ensures that a standard set of data will be used by all applications to avoid data discrepancies. The system produces many ad hoc and standard reports using the original Presidential budget data. During 1977 in addition to continuing operation, parts of the system were redesigned to ensure faster turnaround when the Presidential budget tape is delivered to Congress, resulting in more efficient reporting to CBO and House committees. In 1978, HIS continued to provide operational support with the provision of ad hoc and standard reports. The system was also enhanced to ensure prompt processing and backup of the data base.

Goal 3

Administrative support: Make available efficient and effective data processing support to administrative officers and other support units of the House.—Work of the U.S. House of Representatives, an institution encompassing an annual operational budget in excess of $290 million and the efforts of 11,000 staff employees in support of its 439 Members and 22 standing committees, calls for the careful management of a number of administrative functions. These include many that are relatively typical for an organization of this size, such as payroll, general inventories, and financial accounting. Other administrative functions, such as management of the filings received by the Clerk of the House in connection with the Federal Election Campaign Act of 1971 (as amended) reflect the specialized nature of House administrative functions.

Effort related to the administrative support goal is directed toward these administrative functions of the House, primarily the automation of services provided by the Clerk of the House. Administrative functions of other offices, including committees, are also included in this category. Much of this effort is a continuation of activities initiated in previous years with most of the applications already having achieved operational status.

House staff payroll system

The payroll system, a component of the financial management system for the Office of the Clerk, incorporates on-line processing of payroll and personnel data using CRT terminals located in the Finance Office. In addition to providing an immediate inquiry-response capability, this system is designed to reduce manual work in the Finance Office and to increase the accuracy and timeliness of Finance Office payroll functions. Production operations for the system continued during 1977 with the incorporation of system modifications for added capabilities required by law such as providing for withholding for garnishment and the Combined Federal Campaign. System features were implemented in 1978 to improve the system restart capabilities resulting in increased system operational efficiency and reliability.

House restaurant payroll system

The House restaurant payroll system is a batch oriented system used to produce paychecks, employee records, management records, and payroll journals on biweekly basis for the approximately 250 House restaurant employees. Throughout 1977–78 normal production operations were continued. A study was undertaken to explore the possibility of providing additional capabilities to automate House Restaurant functions such as inventory control and menu planning.

Member allowance system

The Member allowance system, a component of the financial management system, supports the management of Member allowance transactions—telephone, telegraph, postage, travel, and rental of district office space. Data is entered into the system using terminals located in the Finance Office; the system produces Member allowance statements showing vouchers paid and balances remaining. In 1977 a new version of the system was implemented to support extensive changes in House regulations adopted in 1976. The system processed 88,000 Member vouchers during the year, and for the first time, provided detailed voucher reports, automatic check production for Member allowance disbursements, and automatic publication of the Member voucher data portion of the report of the Clerk.

Congressional carpool system

The congressional carpool system is used to maintain carpool data—employee names, addresses, work locations, and work hours—from which reports listing potential carpool candidates are periodically produced. The data file encompasses some 2,000 Hill employees, including those of the House, Senate, Library of Congress, Architect of the Capitol, Supreme Court, Securities and Exchange Commission, and the Federal Home Loan Bank Board who have volunteered to participate in the system. Operational support continued during both 1977 and 1978.

Office equipment system

The office equipment system is a batch oriented system which processes office equipment inventory data—item description, Member account, cost, depreciation, repair status—to produce reports on the inventory of office equipment, Member's account status, spare parts, repair history, and preventive maintenance schedule. In 1978, HIS designed a new, more efficient system to replace the current batch-oriented system. This system will be implemented in early 1978.

Federal elections system

The Federal elections system was developed to support the Clerk's requirements under the Federal Election Campaign Act of 1971 (and its 1974 amendments). The system processes campaign contribution and expenditure data to produce an index of microfilmed campaign reports received by the Clerk. It includes a statistical reporting capability and maintains an address file for mailing receipts and reports. The system makes possible the availability of campaign reports within 48 hours as required by the act.

General accounting system

The general accounting system is the component of the financial management system that encompasses Member accounting (allowances and district office expenses), committee accounting (vouchers charged against committee funds), and general Finance Office accounting. The system will provide the capability of capturing accounting data not presently covered in the Member allowance and staff payroll systems at the voucher level and of maintaining the account ledgers for the Finance Office. The system will simplify accounting procedures and reduce manual work efforts by providing central control of all House vouchers processed by the Finance Office. The system will also provide the capability to produce the entire Report of the Clerk automatically. As a major component of the financial management system, the general accounting system builds on the basic computer programs developed for the payroll personnel component and utilizes the same Finance Office terminal equipment. One component of this system, the Member allowance system (described above), has already been implemented. During 1977 the study to determine requirements for the general accounting system was completed and several existing accounting software systems were evaluated in terms of the House accounting system requirements. During 1978, HIS developed design for a general accounting system to satisfy the requirements identified in the study. The new system will be programmed and implemented in 1979.

House telephone directory system

Using the House publications system during 1977, development was completed for publication of the first comprehensive telephone directory of Members and staff of the House utilizing employee data from the financial management payroll system files, the organization data files, and the House publication system files. During 1978, HIS continued to provide operational support required to produce the telephone directory quarterly and to develop system enhancements to improve the efficiency of the process.

Goal 4

Legislative process: Identify House legislative process that can be made more efficient and cost effective through the application of information technology.—Efforts in support of this goal are directed toward the application of computer technology to the procedural and production functions of the House such as vote recording and the production of legislative documents. Such applications can achieve substantial cost reductions as well as reduce the time involved in performing and maintaining these functions.

Vote information systems

The vote recording system, which automates the House voting procedure, has been operational since 1973. Members use vote stations to record their votes; the system displays the vote issue, the vote results (summary totals and individual Member votes), and time remaining in a vote period. The system also has the capability to analyze in-progress vote information using video display terminals located at the majority and minority tables in the House chamber, as well as at terminals located at the rear of the chamber for general Member use. During 1977, a number of new features were added. These included providing vote information from the House chamber standard display screens for broadcast on the House closed circuit television facilities and displaying information on issues under debate on the display screens.

The vote history system assists the Clerk of the House in the dissemination of historical vote information in the form of printed reports on individual Member voting records. Data from the vote recording system is organized so as to eliminate the manual work previously required by the Clerk's office and to speed availability of the reports to Members. In addition to continuing to support the Clerk during 1977, the feasibility of retrieving vote history information through computer terminals was demonstrated to the House leadership.

During 1978, a new system feature was implemented to transfer voting data from the vote recording system immediately after the vote to the summary of proceedings and debates system for immediate dissemination on the Member information network.

Committee hearings publication and retrieval system

The committee hearings publication system uses state-of-the-art electronic photocomposition technology to automate the preparation of hearings transcripts, the editing of transcripts, and the composition of the final printed versions of the transcripts. A minicomputer based system, ATEX, was procured by the House to test this and other publication applications described below. Using the system, the House official reporters to committees enter the initial transcripts via video display terminals. Editorial changes are also made via the terminals. When all corrections have been made, the system automatically composes the text for production and publication using electronic photocomposition equipment at GPO. In addition to cost savings, the system significantly reduces the time required to produce printed hearings transcripts and to provide an automated data base for research. During 1977, with all the official reporters trained and using the system, the system was used to produce 13,550 printed pages of committee hearings during the year. In 1978, the ATEX publication system provided 100-percent support to the House official reporters. Specifications were provided to commercial reporting firms for submitting their transcripts in machine-readable form compatible with ATEX publication requirements. In addition, the publication data base of selected committee hearings was utilized to develop pilot full text retrieval system to permit Members of a committee to gain access to their committee's hearings data in a timely fashion.

Bill publication and retrieval system

The bill publication and retrieval system uses the same equipment described above for the committee hearings publication system. When the system is fully operational, the Office of the Legislative Counsel will use the system to enter initial drafts of bills, to modify drafts as needed, and to compose final drafts for production on the electronic photocomposition equipment at GPO. In addition to the cost savings resulting from automation of the composition function, the system will result in a reduction of the time required to produce final drafts of bills and to produce printed copies of the bills. During 1977 the requirements for the bill publication capability were determined and a pilot bill publication system was implemented. HIS, in 1978, completed development of a bill publication system and began to provide full operational support to the Office of the Clerk and the Office of the Legislative Counsel for the publication of all House bills.

Other House publications

A number of other House publications were identified during 1977 as being suited for production using the House publication system. These include committee reports and prints, other committee publications and certain publications of the Clerk as well as the House telephone directory discussed above.

Calendar preparation system

The calendar preparation system is a text processing system used in the preparation and publication of committee calendars. Currently, the 20 committees that publish legislative calendars utilize this online interactive system. Direct cost savings in 1977 effected by this system were calculated to be over $600,000. During 1977 the remaining two legislative committees, District of Columbia Committee and Small Business Committee, were added to the system. A new capability was implemented to provide bill brief data to the calendar data bases directly from the legislative data base, thereby eliminating the need for calendar clerks to enter this data. A feasibility study was initiated to publish the calendar for one committee directly from the legislative data base in order to reduce further redundant data entry.

Precedents preparation system

The precedents preparation system uses the text processing software on the HIS central computer facilities to assist the Parliamentarian in the preparation of "Deschler's Procedures". During 1977 an updated publication of "Deschler's Procedures" was produced and issued.

Other text processing systems

A generalized text processing capability is also offered by HIS to committees and offices of the House. The text processing system is designed to support a number of administrative tasks which involve repetitive text preparation, such as mailing lists, form letters, and personnel lists. This capability is presently being used by 30 committees and offices of the House.

Goal 5

Policy analysis: Furnish the analytical tools needed by the congressional community to conduct effective analysis of policy issues.—The House of Representatives primarily through its committees is increasingly finding it necessary to be able to analyze large volumes of data related to policy issues in order to be able to understand the economic and social impact of proposed legislation such as tax reform, welfare reform, or energy regulation. Similarly, the House in its investigative and oversight roles needs access to various data bases created by the executive branch and needs the capability to analyze the data in order to evaluate those programs and formulate legislative remedies, for example, whether programs are serving the groups that they were intended to serve.

The emphasis of HIS efforts in policy analysis is to provide the computer hardware and software and access to information sources needed by Members, committees, and their staffs in the analysis of policy issues. Such assistance may range from arranging for access to econometric models available on commercial services to developing or modifying a system to run on the House computer.

Welfare and income policy analysis

With the installation of the transfer income model (TRIM) on the HIS computer facilities during 1976, steps were taken toward developing an in-house welfare and income policy analysis capability. Using models and data bases developed for the executive branch and made operational on the HIS facilities, the service will provide a capability for evaluating various transfer payment programs such as food stamp and welfare reform. TRIM can be used to develop program cost estimates and to determine the impact of proposals on various income classes and geographic regions. During 1977, TRIM support and technical assistance were provided to CBO, the Committee on Ways and Means, the Joint Committee on Taxation, the Congressional Research Service, and GAO. In addition several related models were made operational on the HIS facilities; these included the new welfare model developed by HEW and the MATH model (a version of TRIM acquired through a joint contract with CBO). Assistance to congressional users also involved support of specialized computer programs—TPL (table producing language), a report generator and SPSS (statistical package for the social sciences), a proprietary statistical analysis package. HIS continued operational support in 1978 for the models and services currently being provided for use by CBO, GAO, the Committee on Ways and Means, the Joint Committee on Taxation, and other congressional users.

Graphics information system

The graphics information system, IMAGE, provides the congressional user with the capability to easily prepare data in a graphical, instead of tabular, form. The system can be used to create piecharts, bargraphs, line graphs, and other graphical forms either from data in a computer file or data entered by the user at a video display terminal. The requested graphic is displayed immediately on the terminal and can be printed on a printer attached to the terminal. Large charts for presentation purposes can be prepared by using equipment at the Census Bureau. During 1977 the capabilities to produce bargraphs, piecharts, line graphs, and State level mapping were developed. Operational support was provided for a number of congressional users, including the Commission on Cooperation and Security in Europe, the Select Committee on Narcotics Abuse and Control, and the Committee on House Administration for the charts contained in this report. During 1978, HIS provided operational support of the IMAGE system to congressional users, including user training and preparation of user documentation and educational materials.

Survey planning and processing

In the past support has been provided for questionnaire survey processing in response to specific requests for assistance from House committees. Such assistance normally consists of computer processing of survey results but may also include other support such as questionnaire design. A guide for survey planning and processing was prepared to encourage better design of surveys and to make processing more efficient and effective.

Forecasting/modeling services

HIS provides general services in the area of economic forecasting by arranging for congressional users to access the economic models and services of Chase Econometric Associates, Inc. Through a contract with Chase, any congressional user can obtain access to Chase services without paying the yearly license fees. HIS provides terminal maintenance and administrative support to users, but timesharing computer costs are paid directly by the user.

Technical assistance

The technical assistance provided by HIS permits congressional personnel who have the necessary technical exertise to use House computer facilities. The HIS staff assists the user by providing information on proper procedures and standards to be followed, by executing jobs that are submitted, and by providing general technical consultation to determine the most effective way to solve user problems. Specialized services, such as acquisition of new software packages, are sometimes provided.

Goal 6

Member office support: Assure that Member offices have access to automated capabilities for effective and efficient office operation.—Efforts toward this goal are directed toward support of Members of the House in their role as representatives of their constituents.

Member office support system (MOSS)

A pilot Member office support system, initiated in 1976, was developed for the purpose of determining the feasibility and cost effectiveness of applying minicomputer technology to the automation of Member office functions. The system automates the following office functions: constituent correspondence tracking, letter writing, and management reporting. Participating Member offices also have access to other services provided through the Member information network. A total of six offices participated in the pilot project. During 1977 MOSS was installed in Member offices participating in the pilot and the pilot system was supported throughout the year. An evaluation was conducted to determine the effectiveness of the services and the method of implementation. The pilot was completed at the end of 1978.

Member consulting and technical assistance

Member offices may purchase computer services and rent equipment from commercial sources for performance of office tasks such as casework and project tracking, scheduling, speech writing and correspondence management, newsletter layout, press release preparation, accounting and legislative research. House Information Systems offers technical assistance and consulting to the offices of Members who use or are considering using automated equipment or services. The consulting services include aid in evaluating individual computer processing needs and in effective management of the chosen systems and equipment.

Seminars and Workshops.—HIS conducts seminars and workshops on selected topics relating to Member office computer utilization (e.g., framework for evaluating office requirements, coding strategies, overview of word processing equipment capabilities).

Computer Service and Equipment Evaluation.—New equipment and computer services are announced each day. HIS operates a continuing test and evaluation program to identify computer services and equipment that meet the unique processing and production requirements of Member offices.

Requirements Analysis and Consultation.—Although the selection of vendors is the decision of individual Member offices, HIS will assist Member offices in identifying their specific computer processing requirements and in determining the appropriate types of computer services and equipment to meet the goals of the office.

Vendor Liaison.—HIS will participate as technical consultant when a Member office is receiving presentations from commercial vendors. On request, HIS will also assist in discussions with vendors to resolve service problems.

Technical assistance and specialized data processing services available to Member offices include:

Computer Tape Conversions.—HIS will convert computer tapes to formats compatible with a Member office's external computer service. H.I.S. will not, however, maintain or process a Member office's computer tapes for the production of either mailing labels or correspondence.

Assistance in Acquiring Specialized Software.—HIS will develop or assist Member offices in locating and acquiring specialized software which can be loaded onto an office's word processor/computer service and used to perform certain specialized Congressional office processing functions (e.g., duplicate record identification, merge/purge software).

HIS Programmers Work Station.—Through computer terminals located in the HIS Programmers Work Station, qualified House staff may directly use computer programs resident on HIS computers to undertake specialized official data processing projects (e.g., graphics production and data analysis). Each person authorized by the Chairman to use the Programmer Work Station must abide by the policies and procedures set forth for the use of this facility by the Committee.

Office technology demonstration system

HIS tested several new systems in selected Member Committee offices to evaluate the use of advanced automated office systems in House offices. The effort included the development of a number of prototype congressional office systems to demonstrate to Members what is available, how it can be used in a Member's office, and to determine whether office productivity and responsiveness can be improved.

Member office study

With emphasis in support to Member offices in 1978, HIS initiated and completed a study of Member offices to determine how they function and how new technology, office furnishings, and equipment can be employed to ensure a more efficient and effective office operation. The results of the study will be utilized in conjunction with the prototype Member offices to be established and will form the basis for Member services in the future.

Configuration support: Ensure that sufficient information technology resources, facilities, and personnel are available and provide efficient, responsive and reliable support to meet House needs.—Configuration support includes the equipment (hardware), software, and support personnel required to achieve the above goal as well as planning to meet future requirements as well.

HIS took steps to further improve reliability of the central computer configuration by continuing the performance management program and by increasing the computer capacity, in a controlled manner, to relieve the current overload on present equipment. Computer capacity was increased by the end of the year to three times 1977 capacity, but at a cost of only 1½ times current costs. Disk storage capacity, which is presently fully utilized was expanded to meet the needs of the user services, especially the retrieval systems that provide textual information (U.S. Code, bills, resolutions, committee hearings).

To provide the capacity needed by the new features of the voting information systems a minicomputer and its associated peripheral equipment dedicated to those functions was obtained. The Harris computers, used to support the Member office support system pilot were reconfigured to serve Member offices still on the MOSS prototype in 1978. HIS installed additional ATEX equipment to provide for expanded activities in the electronic publishing area including a dedicated system for use by the Office of Legislative Counsel.

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Union Calendar No. 971

95TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 95-1837

FINAL REPORT

OF THE

SELECT COMMITTEE ON ETHICS
U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

JANUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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LETTER OF TRANSMITTAL

SELECT COMMITTEE ON ETHICS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 3, 1979.

Hon. THOMAS P. O'NEILL,
Speaker of the House, U.S. House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: The Select Committee on Ethics, established by House Resolution 383, submits the enclosed document as its final report. The Committee has fulfilled its mandate to implement the new financial ethics code adopted by the House of Representatives on March 2, 1977.

The Select Committee has issued thirteen formal Advisory Opinions interpreting the financial ethics rules, and has rendered over two hundred individual advisory opinion letters in response to requests by Members of the House. In addition, the Committee reported the Legislative Branch Disclosure Act, which was enacted as title I of the Ethics in Government Act (Public Law 95–521). The Committee also reported the Franked Mail Act (H.R. 7792), which was passed by the House on July 12, 1977, but was not acted on by the Senate. The bill would have amended the existing franking statute to reflect the more restrictive limitations on the use of the franking privilege contained in House Rule XLVI. It is my intention to reintroduce the Franked Mail Act at the beginning of the 96th Congress so that the Committee on Post Office and Civil Service can consider the legislation.

Mr. Speaker, in December, 1976, you asked the Commission on Administrative Review to develop the strongest ethics code of any legislative body in America. With your leadership and strong support, the most stringent financial ethics code has been adopted and implemented by the House of Representatives. I am confident that these ethics reforms will make a significant difference in deterring potential conflicts of interest and in assuring the American public that Members of Congress do not use their positions of influence for personal gain. The new financial disclosure statute, in particular, will promote the financial accountability of Members of Congress and will demonstrate to the public that most Members refrain from even the appearance of a conflict of interest.

Respectfully submitted.

RICHARDSON PREYER, *Chairman.*

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Union Calendar No. 971

95TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 95-1837

REPORT OF ACTIVITIES—ETHICS

JANUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PREYER, from the Select Committee on Ethics, submitted the following

REPORT

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INTRODUCTION

BACKGROUND

The Select Committee on Ethics was established by House Resolution 383 on March 9, 1977, to implement the new financial ethics code adopted by the House of Representatives on March 2, 1977. The Committee was directed to provide guidelines and interpretations concerning House Rule XLIII, XLIV, XLV, XLVI, and XLVII, and to report legislation incorporating into statute applicable provisions of these rules where appropriate.

The new ethics rules were recommended by the Commission on Administrative Review, established in July, 1976 by House Resolution 1368, which was directed to study and make recommendations on improving the administrative operations of the House. In December, 1976, the Speaker and the Democratic Caucus further directed the Commission to make recommendations concerning ethical practices and financial accountability. On February 14, 1977, the Commission reported its recommendations to amend the Rules of the House with respect to (1) financial disclosure, (2) outside earned income, (3) acceptance of gifts, (4) unofficial office accounts, (5) use of the franking privilege, and (6) travel, (H. Doc. 95–73). These financial ethics recommendations were incorporated into House Resolution 287, which was divided and referred to the Committees on House Administration, Rules, and Standards of Official Conduct. Those committees reported H. Res. 287 with amendments (H. Rept. 95–21), and on March 2, 1977, the House adopted the resolution by a vote of 402 to 22.

The House financial ethics code is based on the fundamental principle that a public office is a public trust. It is the duty of those entrusted with the conduct of the public's business to use their office only for the benefit of the governed, and not to enhance their private financial interests at the expense of the public interest. This fiduciary concept of public office provides the basic standard of conduct for government officials.

SUMMARY

The financial ethics code is summarized briefly as follows:

Acceptance of gifts (Rule XLIII, clauses 4, 7)

A Member, officer, or employee may not accept gifts aggregating $100 or more in value in any calendar year from any person having a direct interest in legislation before the Congress. Exempted are gifts from relatives, gifts of personal hospitality of an individual, and gifts with a value of $35 or less. Advisory Opinions #7, #9, and #10 define and interpret the gifts limitation, and Advisory Opinions #2, #3, and #8 concern application of the rule to travel expenses under certain circumstances.

A Member shall treat as campaign contributions all proceeds from fund-raising events. Advisory Opinion #4 applies this rule to a mass mailing solicitation, and Advisory Opinion #11 applies the rule to fund-raising conducted by an independent committee for a Member's personal use.

Use of campaign funds (*Rule XLIII, clause 6*)

A Member may not convert campaign funds to personal use, and campaign funds may only be used for campaign purposes. The intent of this rule is to restrict the use of campaign funds to politically-related activities, and thus to prohibit their conversion to personal use or to supplement official allowances.

Financial disclosure (*Rule XLIV*)

As recommended by the Democratic Caucus, it is anticipated that the disclosure rule will be amended, effective in the 96th Congress, to provide that title I of the Ethics in Government Act shall be deemed to be a Rule of the House. That Act applies to Members and officers of the House, candidates, and employees earning at least a GS-16 salary level or designated assistants.

The Act requires a disclosure statement to be filed by May 15 of each year containing the following information respecting the preceding calendar year: income over $100; tangible gifts over $100 and gifts of transportation, lodging, food, or entertainment over $250; reimbursements for travel expenses over $250; property holdings over $1,000; liabilities over $10,000; and transactions in real property or securities over $1,000. Also required to be disclosed are positions held in any corporation or organization, and agreements with respect to future employment or continued payments or benefits from a former employer.

Advisory Opinion #12, interpreting the House disclosure requirements as adopted on March 2, 1977, is generally applicable to most of the statutory disclosure requirements.

Unofficial Office Accounts (*Rule XLV*)

A Member may not accept private contributions to maintain an unofficial office account for the purpose of defraying official expenses. Advisory Opinion #5 interprets this rule to prohibit private contributions of in-kind services as well as monetary contributions for official purposes.

Limitations on Use of the Frank (*Rule XLVI*)

The rule contains certain restrictions on postal patron mailings, and additional limitations on all mass mailings, as follows: (1) postal patron mailings must be sent at bulk rates; (2) postal patron mailings may not exceed the equivalent of six districtwide mailings in any year; (3) a sample of any postal patron mailing must be sent to the Franking Commission for an advisory opinion; (4) the cost of preparing and printing any mass mailing must be paid exclusively from appropriated funds; (5) any Member who is a candidate for statewide office may not send any mass mailing outside his congressional district; (6) a Member may not send a mass mailing less than 60 days prior to a primary or general election in which he is a candidate.

Outside Earned Income (*Rule XLVII*)

A Member of the House may not earn outside income for personal services in excess of 15 percent of the Member's salary, or $8,625 per year at the current salary level. A Member also may not accept more than $750 as an honorarium for any single appearance, excluding necessary travel expenses. As recommended by the Democratic Caucus of the 96th Congress, it is anticipated that the honorarium limitation will be raised to $1,000 to conform to the comparable Senate Rule. Advisory Opinion #13 fully interprets application of the earned income rule.

WORK OF THE COMMITTEE

The amendments to House Rules recommended by the Commission on Administrative Review established general principles concerning financial ethics and standards of conduct. In order to implement the new ethics code, the Commission also recommended that a Select Committee be established with jurisdiction to issue interpretative rulings and to incorporate appropriate provisions of the rules into statute. The Select Committee was authorized under H. Res. 383 to define and clarify the financial ethics rules, and to interpret application of he rules to specific factual situations. The Committee also reported legislation to incorporate the disclosure rule and the franking rule into statute.

Under the provisions of H. Res. 383, the Select Committee was due o expire on December 31, 1977. However, since the disclosure legisla-ion was not considered by the House during the first session of the 5th Congress, and several interpretative issues were pending before he Committee, the Select Committee was extended "until completion f its official business" by House Resolution 871, passed by the House n October 31, 1977.

dvisory Opinions

The Select Committee has issued thirteen formal Advisory Opin-ons interpreting the financial ethics rules, and has rendered over 200 ndividual advisory opinion letters in response to requests by in-ividual Members of the House. At its organizational meeting on arch 22, 1977, the Committee adopted the following procedures for suing advisory opinions:

1. Acceptance of requests for advisory opinions

The Select Committee will accept requests from Members, officers, nd employees of the House, and their spouses. (Corporations, organi-ations, or individual citizens may ask for clarification or information oncerning application of House Rules, but responses to these requests ould be on an informal basis.)

2. Submission of requests for advisory opinions

All requests for advisory opinions must be in writing and must state e factual situation to which the Select Committee will be responding.

3. Responses to requests for advisory opinions

All responses to such requests will be in writing and directed only ward the specific situation in question. Requests will be addressed by e Committee in the following manner:

(*a*) The Select Committee will exercise discretion in respondi to any request in order to insure the privacy of the individual.

(*b*) Those cases which involve the application of House Rules to particular situation and do not require new interpretation or poli decisions will be answered by a letter signed by the Chairman a Ranking Minority Member. The Chairman and the Ranking Minori Member may designate another member of the Committee to assun this responsibility in their absence.

(*c*) Those cases which involve interpretation of House Rules or t "breaking of new ground" will be considered by the full Committee.

(*d*) Advisory Opinions which have widespread application or i volve new interpretation will be published in the *Congressional Reco* and distributed to the Members of the House. Again, the privacy all individuals will be fully protected by the Committee.

The thirteen formal Advisory Opinions issued by the Committe were printed in the Congressional Record as follows: Advisor Opinion Nos. 1–4, April 21, 1977, page H3417; Advisory Opinion No 5–11, May 18, 1977, page H4698; Advisory Opinion No. 12, December 1977, page H12735; Advisory Opinion No. 13, November 9, 1978, pag E6005. These Advisory Opinions are also reprinted in the Appendi of this report.

Legislative Activity

The Select Committee determined that Rule XLIV, Financial Di closure, and Rule XLVI, Limitations on Use of the Frank, shoul be incorporated into permanent law. It was not deemed necessary t report legislation incorporating other provisions of the financial ethi rules into statute.

On May 21, 1977, Chairman Richardson Preyer, together with 1 cosponsors, introduced H.R. 7401, the Legislative Branch Disclosu Act. The bill, as introduced, incorporated the financial disclosure re quirements contained in Rule XLIV, with provisions to extend the re quirements to the Senate and to candidates for Congress, and to pro vide sanctions for violations of the disclosure law.

The Committee held public hearings on this legislation on June 2 an 7, 1977. On June 8, the Committee's Task Force on Financial Di closure met and considered proposed amendments to the bill, and o July 19, the Committee ordered reported H.R. 7401, as amended, b a unanimous record vote of 18–0 (H. Rept. 95–574).

The Legislative Branch Disclosure Act was considered by the Hous as part of a financial disclosure bill applicable to all three branche of government. A substitute bill, H.R. 13850, which established go ernment-wide disclosure requirements, was introduced by Chairma Preyer and the three Members who chaired subcommittees with joi jurisdiction over the executive branch, Representatives Georg Danielson, Patricia Schroeder, and Samuel Stratton. H.R. 13850, th Ethics in Government Act, was passed by the House on September 2 1978, and signed into law on October 26, 1978, (Public Law 95–521

On June 14, 1977, Representative Morris K. Udall, chairman of th Committee's Task Force on Use of the Frank, introduced H.R. 77 the Franked Mail Act. The bill, as introduced, incorporated the limita tions on use of the franking privilege contained in Rule XLVI. O June 8 and 13, the Committee's Task Force on Use of the Frank m and considered proposed amendments to the legislation, and on June 16, the Committee ordered reported H.R. 7792, as amended, by unanimous voice vote (H. Rept. 95–465).

The Franked Mail Act was passed by the House on July 12, 1977. The Senate Governmental Affairs Committee reported H.R. 7792, with amendments, on September 15, 1978 (S. Rept. 95–1195), but no further action was taken.

Transferral to Committee on Standards of Official Conduct

Pursuant to House Resolution 871, the Select Committee will transfer its records and materials to the Committee on Standards of Official Conduct, and that Committee will continue to render advisory opinions and otherwise interpret the Rules of the House relating to financial ethics and standards of conduct.

I. Rule XLIII, Clause 4—Acceptance of Gifts

BACKGROUND

Acceptance of gifts presents a particular problem for public officials. Certainly there is no reason to interfere with the normal social relationships which Members of Congress and their families enjoy with friends and relatives, including the giving and receiving of gifts. Moreover, Congressional offices often receive unsolicited gifts—most of a token nature, and it would be unreasonable to expect that considerable staff time be directed to logging in or returning all such items. Yet, it is also clear that the receipt of substantial gifts from parties with a direct interest in the legislative process does present a potential conflict of interest. This problem has been recognized since the earliest days of the Republic.

There is a constitutional prohibition against acceptance of gifts from a foreign government without the consent of Congress. The Foreign Gifts and Decorations Act of 1966, as amended by PL 95-105 (see 5 U.S.C. 7342), grants the consent of Congress to acceptance of gifts of "minimal value" (defined as $100 or less). The 1977 amendments to that Act, which took effect January 1, 1978, also grant the consent of Congress to acceptance of gifts of more than minimal value under certain circumstances, and to acceptance of travel expenses outside the United States, subject to disclosure requirements. The Committee on Standards of Official Conduct has issued regulations to implement the requirements of that Act, which are summarized at the end of this chapter.

There is also, of course, a prohibition against acceptance of a gratuity or reward by a public official "for or because of any official act performed or to be performed by him," (18 U.S.C. 201g). This provision differs from the bribery statute, which requires a specific corrupt intent to influence the official's actions. The Supreme Court has noted that this gratuity offense merely requires that the public official "solicited, received, or agreed to receive, money with knowledge that the donor was paying him compensation for an official act."

The only other limitation on gifts applicable to Members and employees is provided by House Rule XLIII, clause 4. Prior to the amendment adopted on March 2, 1977, that rule prohibited acceptance of gifts "of substantial value, directly or indirectly, from any person, organization, or corporation having a direct interest in legislation before the Congress."

The Commission on Administrative Review cited two obvious problems with the rule: 1) what is "substantial value"; and 2) what is a "direct interest in legislation before the Congress"? The Commission recommended that the rule be amended so that it is less subjective and therefore more enforceable.

A further consideration with respect to acceptance of gifts concerned proceeds from testimonial dinners and other fund-raising events. Prior to the amendment adopted on March 2, 1977, Rule XLIII, clause 7 provided that proceeds from fund-raising events must be treated as campaign contributions unless advanced notice was given to contributors that the proceeds were intended for other purposes. Thus, the proceeds from fund-raising events could be converted to the Member's personal use if the donors were so advised in advance. Because of the potential for abuse and the ability of a Member to use his position of influence for personal gain in this manner, the Commission recommended that the rule be amended to prohibit the conversion of proceeds from fund-raising events to a Member's unrestricted personal use.

SUMMARY

House Rule XLIII, clause 4, as amended on March 2, 1977, provides that a Member, officer, or employee shall not accept gifts, directly or indirectly, aggregating over $100 in value in any calendar year from any person, organization, or corporation having a direct interest in legislation before the Congress, or from a foreign national. Specifically exempted from this limitation are: 1) gifts with a value of $35 or less; 2) gifts from relatives; and 3) gifts of personal hospitality of an individual.

The personal hospitality exemption is essentially limited to food, lodging, and entertainment provided by an individual (not a corporation or organization) at the personal residence or on other property owned by that individual or his family. It does not apply, for example, to hospitality provided by an individual in restaurants or in any other commercial establishment. The personal hospitality exemption also covers travel on a boat or airplane owned by an individual unless such travel is substituting for commercial transportation. It should be emphasized again that personal hospitality is exempted only if paid for by an individual, not a corporation or other form of organization.

The intent of the "de minimis" exemption for gifts valued at $35 or less is to avoid imposing excessively burdensome record-keeping requirements and to ignore insubstantial gifts which do not persent any potential conflict of interest. The exemption means that any gifts value at $35 or less need not be aggregated towards the $100 limitation. Thus, an individual should keep account of any gifts valued at more than $35 received from one source so that he knows when such gifts would amount to $100 in value.

In determining the value of a gift where exact dollar figures are not reasonably ascertainable, the individual may make a good-faith estimate, or he may rely on the valuation provided by the donor. With respect to gifts of transportation on private aircraft, the value is equal to the commercial air fare for the same flight.

The Committee rendered a number of advisory opinions to individual Members concerning the valuation of gifts under various circumstances. For example, many Members asked if acceptance of a ticket to a $550-per plate political fund-raising dinner offered by an individual with a direct interest in legislation would be prohibited under Rule XLIII. The Committee determined that the value of the ticket is equal to the cost of the dinner, not the cost of the ticket to the purchaser. The $500 ticket price represents a campaign contribution of that amount (minus overhead) to the organization sponsoring the dinner, while the ticket itself simply grants admission to the dinner. Thus, acceptance of a ticket to a political fund-raising dinner is not prohibited by Rule XLIII, clause 4.

Other questions were raised concerning the determination of the $100 limit as an aggregate amount. For example, the value of a courtesy pass to an amusement park is determined by the number of times it is actually used. Thus, the pass could be used any number of times so long as the value of free admission did not exceed $100 during the calendar year, if the donor were deemed to have a direct interest in legislation. On the other hand, a gift of season tickets to athletic events or the theatre are valued at the full price of the tickets, regardless of how often the tickets are actually used. In such cases, the gift is distinct from a courtesy pass since it is readily transferrable.

Similarly, an honorary membership to a country club or other organization should be valued according to the actual use of such membership privileges. For example, if the membership is truly "honorary" and is never used, then it has no monetary value. On the other hand, if an honorary member and/or his family were to use the various facilities of a country club and otherwise benefit from the privileges of membership on a regular basis, then the value of such a membership would be equal to the normal dues.

The Committee also considered the question of Members' participation in celebrity or Pro-Am golf tournaments which are held to raise funds for charity. Members of Congress are frequently asked to play as "celebrities" in such tournaments in order to help attract a maximum number of paying participants. In such cases, the sponsors of the tournament waive the normal entrance fee and pay for the Member's travel expenses. Under these circumstances, the waiver of any fee and the payment of travel expenses is not considered to be a gift since the Member is, in effect, rendering a service on behalf of the foundation sponsoring the tournament. In addition, it is customary that the sponsors of the event provide the participants with certain gifts (e.g., golf shoes, shirts, balls, etc.). If such gifts exceed $100 in value, they would be subject to disclosure as a gift from the foundation or independent committee established to organize the tournament.

The Select Committee has issued several formal Advisory Opinions defining and interpreting the limitation on acceptance of gifts. Advisory Opinion #7 defines the term "gift" and exempts certain categories of gifts; Advisory Opinion #9 defines indirect gifts; Advisory Opinion #10 defines the term "direct interest in legislation before the Congress"; and Advisory Opinions #2 and #8 exempt necessary travel expenses from the rule under certain circumstances. Following is a summary of these Advisory Opinions, (see Appendix for complete text).

Definition of a Gift

In Advisory Opinion #7, issued on May 9, 1977, the Select Committee adopted the basic legal definition of a gift for purposes of Rule XLIII, clause 4, as follows:

> A payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received by the donor.

That Advisory Opinion also specifically exempted from the gifts limitation the following categories of gifts: (1) bequests and other forms of inheritance; (2) loans made in a commercially reasonable manner; (3) political contributions as defined by the Federal Election Commission; (4) transportation, lodging, food, and entertainment provided on an official basis by federal, state, and local governments and political subdivisions thereof; (5) transportation, lodging, food, and entertainment provided by a foreign government to members of an official delegation of the House; (6) communications to a Member's office in Washington, D.C. and his district, including newspaper subscriptions and other informational material; (7) bona fide awards presented in recognition of public service and available to the general public; (8) suitable mementoes of a function held in honor of the Member, officer, or employee; and (9) consumable products provided by home-state businesses to a Member's office but which are primarily intended for consumption by persons other than the Member and his staff.

Since this Advisory Opinion was issued, the Committee recommended for purposes of the disclosure of gifts that "food and beverages consumed at banquets, receptions, or similar events" be specifically exempted. This exemption would apply equally to the limitation on acceptance of gifts under Rule XLIII, clause 4. The exemption for such activity, of course, does not apply to dinners for small groups at restaurants or other such private affairs.

Definition of an Indirect Gift

Since the gifts limitation applies to gifts received directly or indirectly, the Select Committee issued an Advisory Opinion interpreting what constitutes an indirect gift for purposes of the rule.

In Advisory Opinion #9, issued on May 11, 1977, the Select Committee determined that gifts to a spouse or dependent are indirect gifts to the Member or employee, unless such gifts are prompted by some consideration unrelated to the Member or employee. When it is clear that gifts to a spouse or dependent are truly independent of the Member or employee and would have been offered regardless of the donee's relation to that purpose, such gifts would not be considered indirect gifts for purposes of the rule. However, when it is apparent that the gift may not have been offered but for the donee's relation to a Member or employee, such a gift would constitute an indirect gift to that person.

The word "indirectly" also refers to gifts received by a Member or employee through or from a third party. For example, a Member or employee may not accept a gift over $100 in value from an agent of a person with a direct interest in legislation who had actually paid for the gift.

Direct Interest in Legislation

In Advisory Opinion #10, issued on May 11, 1977, the Select Committee defined persons having a direct interest in legislation before the Congress to include the following:

> (1) (*a*) Any person, organization, or corporation registered under the Federal Regulation of Lobbying Act of 1946, or any successor statute; and any person who is an officer or director of a registered lobbyist, or a person who has been employed or retained by a registered lobbyist for the purpose of influencing legislation before the Congress;
>
> (*b*) Any person, organization, or corporation which employs or retains a registered lobbyist;
>
> (2) Any corporation, labor organization, or other organization which maintains a separate, segregated fund for political purposes (Political Action Committee as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)); any subordinate or affiliated organization thereof; and the officers or directors of such organizations; and
>
> (3) Any other individual or organization which the Member, officer, or employee knows has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual or organization apart from the general public.

This third broad category places the burden on the Member or employee to determine whether an individual or organization would be deemed to have a direct interest in legislation. In this context, the Select Committee emphasizes the clear statement of intent issued by the Commission on Administrative Review that Members should be "alerted to the need to exercise care . . . in accepting gifts from all sources." Implicit in this admonition is the understanding that while individuals may often receive gifts from non-relatives, and occasionally from organizations, it is rare that such gifts are valued at more than $100. Therefore, unless such a gift is from a close personal friend, it is most likely offered because of the Member's position as a United States Representative.

However, if the Member does not believe that the donor of the gift has a distinct or special interest in influencing the legislative process which sets him clearly apart from the general public, then the Member should feel free to accept such gifts. The Committee emphasizes in this regard that the gifts limitation is not intended to interrupt or interfere with normal social relationships.

Any gifts aggregating over $100 from one source, or $250 in the case of food, lodging, transportation, and entertainment, would be disclosed in accordance with the financial disclosure requirements of the Ethics in Government Act (PL 95-521). The same exemptions that apply to the gifts limitation also apply to the disclosure requirements, i.e., gifts with a value of $35 or less, gifts from relatives, and gifts of personal hospitality of an individual. Since Members and employees may not accept gifts over $100 from any person with a direct interest in legislation, this disclosure would apply primarily to gifts from personal friends, constituents, and other individuals or groups that do not have a direct interest in legislation as defined in the Advisory Opinion.

With respect to the question as to when legislation is considered to be "before the Congress", the Committee determined in Advisory Opinion #10 that this phrase should be read broadly to include an on-going special interest in affecting the legislative process, rather than be confined to an interest in specific legislation pending before a subcommittee or committee of either House of Congress.

A further question concerns the application of the gifts limitation to individuals employed by the same organization or corporation. For example, the Committee was asked whether the $100 limitation applied separately to each individual lobbyist of a particular union or corporation, or collectively to all lobbyists employed by the same organization. The Committee notes that Rule XLIII, clause 4 prohibits acceptance of gifts "from any person, organization, or corporation . . ." Therefore, gifts made by lobbyists on behalf of a corporation would be aggregated and considered as gifts given by the corporation, and consequently subject in the aggregate to the $100 limitation.

Necessary travel expenses

In Advisory Opinion #7, as noted above, the Select Committee exempted gifts of transportation, lodging, food and entertainment provided by federal, state, and local governments, or political subdivisions thereof, or by a foreign government to members of an official delegation of the House. Since that Advisory Opinion was issued, the Foreign Gifts and Decorations Act has been amended to grant the consent of Congress to acceptance of gifts of travel expenses provided by a foreign government for travel taking place entirely outside of the United States. Accordingly, in order to conform the application of the House Rule to the provisions of the Act, the exemption for foreign travel expenses applies to transportation, lodging, food, and entertainment provided by a foreign government within a foreign country. This exemption also applies to the travel expenses of a spouse or dependent of the Member or employee. Any such travel expenses must be disclosed to the Committee on Standards of Official Conduct within thirty days after departure from the donor country, (see below).

In Advisory Opinion #2, issued on April 6, 1977, and #8, issued on May 11, 1977, the Select Committee determined that necessary travel-related expenses provided to a Member or employee in connection with (1) an event in which he substantially participates, or (2) a fact-finding event directly related to official duties are not considered to be gifts for purposes of the rule. The first exemption applies to travel expenses in connection with speaking engagements, panel discussions, seminars, or other events in which the Member or employee substantially participates. In such cases, transportation and related expenses are provided in consideration of personal services rendered, and therefore do not constitute a gift to the Member or employee. This exemption also applies to the expenses of the spouse (or another family member) of the Member or employee.

The second exemption applies to inspections tours, educational programs, and other fact-finding events where the primary purpose of the trip is for the Member or employee to become better informed regarding subject matters directly related to official duties, and any services rendered by the Member or employee are only incidental in nature.

Both the exemptions described above apply only to necessary expenses (transportation, food, and lodging) and not to entertainment. Thus, a Member or employee, whether traveling on a fact-finding tour or under any circumstances, may not accept gifts of entertainment from groups with a direct interest in legislation beyond the $100 limit imposed by Rule XLIII. The Committee also emphasizes that any payment or reimbursement for necessary travel-related expenses aggregating over $250 in value from one source must be disclosed in accordance with the financial disclosure requirements of the Ethics in Government Act.

Gifts from Foreign Nationals

Rule XLIII, clause 4 prohibits acceptance of gifts aggregating over $100 in value in any calendar year from a foreign national, defined in the rule as "an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence." The gifts limitation thus applies to any citizen of a foreign country not acting as a representative of a foreign government. Gifts from a foreign government are exempted from the rule since acceptance of such gifts is governed by the Foreign Gifts and Decorations Act (5 U.S.C. 7342).

The Foreign Gifts and Decorations Act was amended, effective January 1, 1978, (PL 95–105), to grant the consent of Congress to acceptance of tangible gifts of minimal value (less than $100), and to gifts of more than minimal value "when refusal would be deemed likely to cause offense or embarrassment or otherwise adversely affect United States foreign relations." Such gifts are deemed to have been accepted on behalf of the United States and must be turned over to the Clerk of the House. The Member or employee must also file a disclosure statement with the Committee on Standards of Official Conduct including a description and estimated value of the gift.

The Act also grants the consent of Congress to acceptance of gifts of travel or expenses for travel taking place entirely outside the United States "if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency (Committee on Standards of Official Conduct) . . ." That Committee, in its regulations implementing the Act (see Appendix), determined that a Member or employee may accept travel expenses from a foreign government "when such travel or expenses for travel relate directly to the official duties of the Member, officer, or employee." This also applies to travel expenses of a spouse or dependent accompanying the Member or employee. The Committee's regulations also state that such travel expenses "may not be accepted merely for the personal benefit, pleasure, enjoyment or financial enrichment of the individual or individuals involved." Any such travel expenses must be disclosed to the Committee on Standards of Official Conduct within thirty days after departure from the donor country. That disclosure must include a brief description of the travel expenses and the circumstances justifying acceptance.

Disclosure statements filed with Committee are made publicly available and are compiled annually for publication in the Federal Register. Travel expenses provided by a foreign government are specifically exempted from disclosure as a gift or reimbursement under the Ethics in Government Act.

CONVERSION OF FUNDS TO PERSONAL USE

Rule XLIII, clause 7 was amended on March 2, 1977 to provide that Members may not convert proceeds from testimonial dinners or other fund-raising events to personal use under circumstances. Thus, all proceeds from fund-raising events must be treated as campaign contributions. This amendment was consistent with the limitation on acceptance of gifts and other rules changes designed to restrict the ability of a Member to use his position of influence for personal gain.

The Select Committee issued two formal Advisory Opinions concerning the application of this rule to specific factual situations.

In Advisory Opinion #4, issued on April 6, 1977, the Committee determined that a direct mail solicitation by a Member or his spouse would constitute a "fund-raising event" for purposes of Rule XLIII, clause 7. The Committee noted that in view of the widespread use of computerized mass mailings as a principal fund-raising technique, any direct mail solicitation is clearly contemplated by the proscriptions of the rule. The Committee also ruled that the solicitation of funds by a spouse for the benefit of the Member would violate clause 7, since the spouse would be acting essentially on behalf of the Member.

In addition, the question was raised as to whether a Member could accept proceeds from a fund-raising event for the Member's unrestricted personal use if the event were sponsored by a group independent of the Member. In Advisory Opinion #11, issued on May 11, 1977, the Committee emphasized that the clear intent of clause 7 is to prevent the acceptance of proceeds from fund-raising events for personal use and found that it is irrelevant whether the Member himself solicits such funds, or whether the Member accepts funds for personal use that are solicited on his behalf by an independent committee. To hold otherwise would render clause 7 meaningless. Thus, the Committee determined that a Member is prohibited from accepting the proceeds from a fund-raising event for his unrestricted personal use.

The Committee noted that this ruling prohibiting a Member from accepting proceeds from a fund-raising event sponsored by an independent group applies to those situations where the funds are given to the Member for his unrestricted personal use. Subsequent to the adoption of this Advisory Opinion, the Committee was presented with two specific fund-raising situations by independent groups that clearly appeared to fall outside the scope of Rule XLIII, clause 7.

The first situation involved a fund-raising effort to help a Member pay medical expenses resulting from a catastrophic illness of a family Member. The intent of Rule XLIII, clause 7 is to restrict the ability of a Member of Congress to use his position for personal gain, but certainly not to disadvantage the Member more than other individuals living in the community.

In this particular case, the medical expenses incurred by the Member far exceeded personal financial resources. With the request knowledge of the Member of Congress, friends in the community ganized a fund-raising effort to help defray the medical expenses. The contributions were used exclusively for medical bills and were paid directly to the hospital, doctor or nursing home, and the Member himself did not participate in any way in the raising or disbursing of the funds. The Committee found that in this particular instance, Rule XLIII did not prohibit the community from raising funds to defray medical expenses.

In the second situation, the Committee has noted that a legal defense fund must on occasion be established to assist a Member who does not have the personal financial resources to pay substantial legal expenses incurred in defending a court action arising out of either a contested election or performance of official duties. Such proceedings against the Member are directly related to the Member's activity in his capacity as a candidate or as an elected official. The use of such funds as "officially related" has been recognized by the Federal Election Commission, which has ruled that excess campaign funds may be expended to pay legal fees in such actions brought against a Member. Since such expenditures can be characterized as "campaign-related" by the FEC, creation of a legal defense fund would not be considered to be in violation of Rule XLIII, clause 7.

II. RULE XLIII, CLAUSE 6—USE OF CAMPAIGN FUNDS

BACKGROUND

Prior to the amendment adopted on March 2, 1977, Rule XLIII, clause 6 provided that campaign funds could not be converted to personal use and could only be used for campaign purposes "unless specifically provided by law." That phrase referred to section 439(a) of the Federal Election Campaign Act, which permits use of excess campaign funds to defray official expenses or "for any other lawful purposes."

In effect then, campaign funds actually could be converted to personal use and could be used for other non-campaign purposes under he law and under House Rules. Since it was considered inappropriate ither to convert campaign funds to personal use or to finance the official business of the House out of campaign funds, the Commission n Administrative Review recommended a prohibition on the receipt of private contributions to be used for official purposes. (See Chapter II, Prohibition of Unofficial Office Accounts.)

In order to restrict the use of campaign funds to political purposes, he Commission recommended that the phrase "unless specifically provided by law" be stricken from the rule.

SUMMARY

House Rule XLIII, clause 6, as amended on March 2, 1977, provides hat a Member "shall convert no campaign funds to personal use . . . nd shall expend no funds from his campaign account not attributable o bona fide campaign purposes." For purposes of this rule, campaign xpenditures and political expenditures are synonymous.

This amendment took effect upon enactment. However, the Select ommittee determined in Advisory Opinion #5, issued on May 9, 977, that Members who incurred official expenses prior to March 3,

1977 may use campaign funds available on or before that date to
those official expenses after the effective date of the rule change.

The intent of this rule is to restrict the use of campaign funds
politically-related activities and thus to prohibit their conversio
personal use or to supplement official allowances. The rule should
be interpreted to limit the use of campaign funds strictly to a Memb
reelection campaign. A retiring Member of Congress, for examp
may continue to engage in various political activities which of co
are not campaign-related and also are not in connection with
official duties.

The Committee recognizes that there are gray area expendit
which could be classified either political or official, and concurs w
the recommendation of the Commission on Administrative Rev
that Members should continue to make that determination. The c
loquy on the House floor between Representatives Bill Frenzel, N
man Lent, and David Obey underscores this point, (see Congressio
Record, March 2, 1977, page H1581).

The Federal Election Commission and the Internal Revenue Serv
define political expenditures as a payment or gift of anything of va
made for the purpose of influencing the selection, nomination, or el
tion of an individual to public office. However, the FEC and IRS h
interpreted this definition broadly to encompass the traditional po
ically-related activities of Members of Congress. Thus, if a Mem
determines, for example, that advertisements in publications of ci
organizations, the mailing of holiday greetings to constituents,
travel to meetings with local party officials, would constitute a pol
ical expenditure, as so defined, or are otherwise politically-rela
then he may use campaign funds for that purpose. Any such politi
expenditures must be fully disclosed in accordance with the reporti
requirements of the FEC Act.

Questions as to whether certain expenditures are reimbursable fr
official expense allowances should be addressed to the Committee
House Administration, which has jurisdiction over the official allo
ance system. That Committee defines official expenses as those incurr
by the Member, the Member's congressional office, or any employee
the Member's congressional office and that, in the Member's b
judgment, are ordinary and necessary business expenses in supp
of the Member's official and representational duties. Thus, if a p
ticular expenditure is incurred in support of official duties, and if
would be deductible as an ordinary and necessary business expe
under IRS regulations, then the expenditure is generally reimbur
able from official allowances.

The House Administration Committee has identified nine categor
of expenditure items that are not payable from official allowan
(e.g., donations of any kind, holiday greeting cards). That Commit
is continually reviewing and updating its regulations pertaining to t
official allowance system with a view towards providing specific gui
lines on allowable expenses.

With respect to the permissible uses of excess campaign funds, t
FEC Act, as noted above, authorizes use of campaign funds for a
lawful purpose. Members, of course, are bound by the more restricti
limitations in House Rules. However, the Federal Election Comm
sion regulations (Part 113) provide that excess campaign funds m
also be given to any charitable organization described in section 170(

of the Internal Revenue Code, or may be given to a political party or to another candidate, in which case the contributions are contained in the FEC Act. House Rules do not preclude the use of excess campaign funds for these purposes.

In 1978, the House Administration Committee reported legislation (H.R. 11315) amending the FEC Act which included a provision striking the authorized use of campaign funds "for any lawful purpose" in order to conform to the House Rule prohibiting conversion of campaign funds to personal use. The effect of this amendment would be to apply the same prohibition to former candidates and to retiring Members of Congress. However, no further action was taken on the bill during the 95th Congress.

III. RULE XLIV—FINANCIAL DISCLOSURE

BACKGROUND

The principal objective of financial disclosure is to promote the financial accountability of Members of Congress and to increase public confidence in the integrity of government officials. Public disclosure of the financial interests of Members of Congress will enable the public to evaluate their performance of official duties in light of those private interests. Moreover, it is believed that full public disclosure of relevant financial interests will dispel the unwarranted notion that government officials oftentimes do have substantial conflicts of interest which might impair their independence of judgment in their official actions.

House Rule XLIV has required annual financial disclosure reports by Members and designated employees since 1968; however only limited information was publicly disclosed. Thus, it was difficult for the public to effectively monitor most potential conflicts of interest.

The Commission on Administrative Review therefore recommended that Rule XLIV be amended to require Members, officers, principal assistants to Members and officers, and professional staff of committees, to file an annual public financial disclosure statement with the Clerk of the House containing the following information:

The source and amount of income aggregating $100 or more from one source;

The source and value of gifts of transportation, lodging, food, or entertainment aggregating $250 or more from one source; the source and value of all other gifts aggregating $100 or more from one source. Exempted were gifts from relatives, gifts of personal hospitality of an individual, and gifts valued at $35 or less;

The source and amount of reimbursements aggregating $250 or more from one source;

The identity and category of value of any property held in a trade or business, or for investment or the production of income, which had a value of at least $1,000 as of the close of the preceding calendar year;

The identity and category of value of each liability exceeding $2,500 owed as of the close of the preceding calendar year;

The identity, category of value, and date of an transaction in securities or commodity futures exceeding $1,000; and

The identity, category of value, and date of any purchase or sale of any interest in real property exceeding $1,000 during the preceding calendar year.

The financial interests of a spouse were also to be disclosed if those interests are within the "constructive control" of the reporting individual.

Categories of value were: less than $5,000; between $5,000 and $15,000; between $15,000 and $50,000; between $50,000 and $100,000; and over $100,000.

The first disclosure statement under the new rule was due April 30, 1978, and covered the period from October 1 through December 31, 1977. Thereafter, each annual disclosure statement would relate to the preceding calendar year.

The Select Committee issued a formal Advisory Opinion interpreting the new financial disclosure requirements under Rule XLIV on December 1, 1977. Advisory Opinion #12 clarified the disclosure rule by defining terms and interpreting application of the reporting requirements to various circumstances. That Advisory Opinion also clarified spouse disclosure requirements by applying the "constructive control" test, which had existed under Rule XLIV since its adoption in 1968, to the more detailed information now required to be disclosed.

LEGISLATIVE ACTIVITY

At the time it proposed amendments to the House disclosure rule, the Commission on Administrative Review also recommended that these same reporting requirements be applied to candidates for Congress, and that independent enforcement authority be provided to help ensure full compliance with the disclosure requirements. In addition, soon after the House and Senate adopted comprehensive disclosure rules, the President recommended that similar disclosure requirements be applied to executive branch officials. In order to accomplish these objectives, government-wide financial disclosure legislation was introduced in both Houses of Congress. The Select Committee had exclusive jurisdiction in the House of Representatives over disclosure legislation applicable to the legislative branch.

On May 24, 1977, Chairman Richardson Preyer, together with 1 cosponsors, introduced H.R. 7401, the Legislative Branch Disclosure Act. The bill, as introduced, incorporated the financial disclosure requirements contained in Rule XLIV, with provisions to extend the requirements to the Senate and to candidates for Congress, and to provide independent enforcement authority in the Department of Justice for willful violations of the disclosure law.

The Committee held public hearings on this legislation on June and 7, 1977. At these hearings, testimony was received from Members of Congress, the Chairman of the Civil Service Commission, the Comptroller General of the United States, the Chairman of the Federal Election Commission, representatives of public interest groups and others.

In its consideration of this legislation, the Committee was guided by two basic principles: 1) disclosure should be required only for those items which are relevant to potential conflicts of interest; and 2) disclosure requirements should be designed to avoid unnecessary invasions of privacy or excessively burdensome record-keeping.

On June 8, the Committee's Task Force on Financial Disclosure met and considered proposed amendments to the legislation. The full Committee held four markup sessions and approved numerous amendments to the introduced bill. In addition to a number of technical and conforming amendments, the Committee agreed to substantive amendments pertaining to coverage of employees, definition of a candidate, disclosure of spouse and dependent interests, review by the General Accounting Office, and definition of a gift for purposes of disclosure. On July 19, the Committee ordered reported H.R. 7401, as amended, by a unanimous record vote of 18–0. The bill was subsequently reported to the House on August 5, 1977 (H. Rept. 95–574).

The financial disclosure requirements contained in H.R. 7401 applied to calendar year 1977; the bill therefore included exemptions for Members who were not seeking re-election and other limited exemptions applicable only to that year. Because of delay in consideration of this legislation, Chairman Preyer, with the concurrence of Representative Charles E. Wiggins, the ranking minority member, introduced a committee substitute, H.R. 11941, on April 9, 1978, with appropriate amendments to reflect the necessary postponement in the bill's effective date. The substitute bill also included certain clarifying amendments consistent with the Select Committee's interpretation of Rule XLIV, as set forth in Advisory Opinion #12.

The Legislative Branch Disclosure Act was considered by the House as part of financial disclosure legislation applicable to all three branches of government. Following is a chronology of legislative activity relating to the development of a governmentwide disclosure bill.

On May 3, 1978, the President transmitted a message to the Congress recommending the enactment of a bill providing for financial disclosure by government officials, creation of a new Office of Government Ethics in the Civil Service Commission, and strengthened restrictions on contacts between former executive branch officials and the agencies in which they worked. These recommendations were subsequently introduced as H.R. 6954 by Representatives Peter Rodino, George Danielson, and Patricia Schroeder, and the bill was jointly referred to the Committees on the Judiciary, Post Office and Civil Service, and Armed Services.

On June 27, 1977, the Senate passed S. 555, the Public Officials Integrity Act. Title III of the bill provided for the establishment of uniform financial disclosure requirements for the three branches of government.

On November 2, 1977, the Judiciary Committee reported H.R. 1, the Ethics in Government Act, which was introduced by Representative Robert Kastenmeier, (H. Rept. 95–800). That bill, as amended, contained provisions for financial disclosure by personnel of the executive and judicial branches of government, and included a bank title I for disclosure by legislative branch personnel. In its report, the Judiciary Committee noted that the provisions of H.R. 1 "are based on the recommendations of the President concerning executive branch disclosure modified so that they closely parallel the provisions relating to the legislative branch contained in the bill H.R. 7401, as reported to the House."

On September 22, 1977, the Post Office and Civil Service Committee reported H.R. 6954 with an amendment substituting an entirely new text for titles I and II of the introduced bill (H. Rept. 95–642, Part I). The amended bill provided for financial disclosure by officers and employees of the executive branch, and established an Office of Government Ethics to monitor compliance with the disclosure requirements and other conflict of interest laws.

On October 17, 1977, the Armed Service Committee reported H.R. 6954 with an amendment substituting an entirely new text for titles I and III of the introduced bill as they applied to the uniformed services (H. Rept. 95–642, Part II). The amended bill provided for financial disclosure by officers of the uniformed services and amended existing restrictions on post-employment activities of government officials (18 U.S.C. 207).

On April 13, 1978, the Rules Committee granted a rule (H. Res 1128) providing for the consideration of H.R. 1. The rule made i order the text of H.R. 11941, the Legislative Branch Disclosure Act, a an amendment to title I, and made in order certain provisions o H.R. 6954, as reported by the Post Office and Civil Service Committe and the Armed Services Committee, as substitute amendments to titl II relating to the executive branch.

Subsequently, the chairmen of the subcommittees with joint jurisdiction over disclosure requirements for the executive branch. Representatives Danielson, Schroeder, and Stratton, decided to resolve non controversial differences in the reporting requirements under thei conflicting versions of the bill prior to floor consideration. They late agreed, on behalf of their committees, to a compromise bill which generally conformed to the basic disclosure requirements contained i Rule XLIV and the Legislative Branch Disclosure Act, with som modifications. Accordingly, on August 1, 1978, Chairman Preyer an Mr. Danielson, Mrs. Schroeder, and Mr. Stratton introduced a subst tute text, H.R. 13676, which incorporated the provisions of the Legi lative Branch Disclosure Act, with various technical and conformin amendments.

On August 3, 1978, the Rules Committee met to consider H. 13676, but postponed granting a rule on the bill pending resolutio of several questions raised by that Committee and by Mr. Wiggin Consequently, on August 14, Representatives Preyer, Danielso Schroeder, and Stratton introduced H.R. 13850, which incorporate additional perfecting amendments and some substantive revisions the previous version of the legislaiton.

On August 15, 1978, the Rules Committee granted a rule (H. R 1323) making in order the text of H.R. 13850 as an amendment the nature of a substitute to H.R. 1, the Ethics in Government A

The House considered the legislation on September 20 and 1978, and passed H.R. 1, as amended by H.R. 13850, by a vote of to 30. The conference report (S. 555, H. Rept. 95–1756) was appro on October 12, 1978 by a vote of 370 to 23, and the Ethics in Gover ment Act was signed into law on October 26, 1978 (Public La 95–521).

SUMMARY

The reporting requirements for the legislative branch under title I of the Ethics in Government Act are substantially the same as in the House financial disclosure rule, with the addition of two disclosure items: positions held in any corporation or organization, and agreements with respect to future employment or continued payments from a former employer. It is anticipated that Rule XLIV will be amended effective in the 96th Congress to incorporate by reference the provisions of title I of the disclosure statute as it pertains to Members and employees of the House. Members and employees will therefore file one disclosure statement to satisfy the requirements of the statute and the House Rule.

Following is a summary of the legislative branch disclosure requirements contained in the Ethics in Government Act, (see Appendix for complete text of title I).

Coverage

Members and officers of the House and each employee compensated at a rate equal to or above the GS–16 salary level must file a disclosure statement with the Clerk of the House by May 15 of each year. If no employee in a Member's office is compensated at a level of GS–16 or above, the Member is required to designate at least one principal assistant to file a disclosure statement. (Any Member, of course, would have the option to designate additional employees on his personal staff or committee staff to file a disclosure statement.) Candidates for the office of Member must file a disclosure statement within thirty days of becoming a candidate, or by May 15, whichever is later.

Contents of reports

Income.—(A) The source, type, and amount of income (including honoraria and the date received) aggregating $100 or more in value received from any source during the preceding calendar year; (B) The source, type, and category of value of income from dividends, interest, rent, and capital gains received during the preceding calendar year which exceeds $100 in value.

Gifts.—(A) The source and a brief description of gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source during the preceding calendar year; (B) The source, a brief description, and value of all other gifts aggregating $100 or more in value received from any source during the preceding calendar year. Exempted from this category are gifts from relatives and gifts of personal hospitality of an individual; and gifts with a value of $35 or less need not be aggregated towards the $100 or $250 disclosure threshold.

Reimbursements.—The source and a brief description of reimbursements aggregating $250 or more in value received from any source during the preceding calendar year. This category would include items such as travel expenses provided to a Member in connection with a speaking engagement, whether those expenses were reimbursed to the

Member or paid directly by the sponsoring organization. Exempted are travel-related expenses provided by federal, state, and local governments, and by a foreign government within a foreign country.

Holdings.—The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the calendar year. Any deposits aggregating $5,000 or less in personal savings accounts are excluded. This category is intended to cover all property of a business nature, and does not include property in the nature of household goods, automobiles, and other personal property which is not held for the production of income.

Liabilities.—The identity and category of value of the total liabilities owed to any creditor (other than a relative) which exceed $10,000 at any time during the preceding calendar year. Exempted are mortgages on a personal residence.

Transactions.—A brief description, date, and category of value of any purchase, sale, or exchange during the preceding calendar year which exceeds $1,000 in real property (other than a personal residence), or in securities or commodity futures.

Positions held.—The identity of all positions held on or before the date of filing during the current calendar year as on officer, director, trustee, partner, representative, employee, or consultant of any corporation or other business enterprise, any nonprofit organization, labor organization, or any educational or other institution (other than U.S. Government). Exempted are positions held in any religious, social, fraternal, or political entity, and positions solely of an honorary nature.

Employment agreements.—A description of the date, parties to, and terms of any agreement or arrangement with respect to: (A) future employment; (B) a leave of absence during period of government service; (C) continuation of payments by a former employer; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

Spouse and dependent disclosure.—The interests of a spouse or dependent child should be reported as follows: (1) the source, but not amount, of spouse earned income which exceeds $1,000; (2) all information required to be disclosed with respect to income derived from any asset reported by the spouse or dependent; (3) any gift or reimbursement to the spouse that is not received totally independent of the spouse's relationship to the reporting individual; (4) assets, liabilities, and transactions of the spouse or dependent child other than items (i) which the reporting individual certifies represent the spouse or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Trusts.—The holdings of and income from a trust or other financial arrangement in which a beneficial interest in principal or income is held by the reporting individual, his spouse, or any dependent child must be disclosed. However, the reporting individual need only report

he category of the amount of income received by him, his spouse, or
ependent from a trust (i) which was not created directly by such
ndividual, his spouse, or any dependent, and (ii) with respect to
hich such individual, his spouse, and dependents have no knowledge
f the holdings or sources of income; or from any qualified blind trust
s defined in section 101(e)(3) of the Ethics in Government Act.

ccessibility of reports

The Clerk of the House is required to make the disclosure reports
vailable for public inspection within fifteen days after receipt, and
provide a copy of any report to any person upon request. A copy of
ach report filed with the Clerk shall be sent by the Clerk to the Com-
ittee on Standards of Official Conduct, and a copy of each report
led by a Member or candidate shall also be sent by the Clerk to the
ppropriate State officer. Pursuant to House Rule XLIV, the Clerk
also required to compile all repors filed by Members into a public
ocument by July 1 of each year.

ompliance and Enforcement

The Committee on Standards of Official Conduct is required to
tablish procedures for review of reports to determine whether they
e filed in a timely manner, are complete, and are in proper form.
the event a determination is made that a report is not so filed,
e Committee shall so inform the reporting individual and direct
im to take all necessary corrective action, The Committee is author-
ed to render advisory opinions interpreting the disclosure require-
ents to any person covered by the Act, and any person who acts
accordance with an advisory opinion would not be subject to any
nction under the Act.

The Act establishes a maximum civil penalty of a $5,000 fine for
owing and willful falsification or knowing and willful failure to
port the required information. In addition, the existing criminal
nction for false certification to any department or agency of the
deral government, contained in section 1001 of title 18, United
tates Code, would apply to willful falsification of a disclosure
atement filed with the Clerk of the House.

V. RULE XLV—PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

BACKGROUND

Prior to the adoption of House Rule XLV, many Members estab-
hed unofficial office accounts to defray expenses incurred in con-
ction with their official duties. Members established such accounts
r two principal reasons: first, official allowances were considered
adequate to meet all of the necessary expenses relating to the
ties of a Member of Congress; and second, unofficial accounts
ovided an alternative source for supplementing office expense
owances without the constraints imposed by the official accounting
stem. For example, prior to the changes in the allowance system
opted pursuant to H. Res. 287, official allowances could not pay for
h items as newspaper subscriptions, a petty cash fund, or other
scellaneous expenses for the Washington office. Other than allow-
es for travel to the district and various office expenses, the allow-

ance system provided only for "official expenses outside of the Distr
of Columbia." Thus, the same expenses which could be paid for w
official allowances in the Member's district were not allowable with
the District of Columbia.

While it is apparent that in most cases unofficial office accou
were established to meet bona fide official expenses, such as tra
within the district and printing of newsletters, the Commission
Administrative Review recommended a prohibition of such accou
based on the principle that private funds should not be used to p
for the public's business. In its report on Fnancial Ethics, the Co
mission emphasized that the use of unofficial accounts "allows f
the appearance of improperiety, and at worst, creates a climate f
potential 'influence-peddiing' through private financing of the o
cial expenses of Members of Congress" (H. Doc. 95–73).

The Commission also noted that the widespread use of private of
accounts testified to the inadequacies in the office expense allowanc
Accordingly, the Commission recommended that the annual allowa
for "official expenses outside of the District of Columbia" be increas
by $5,000, and that this allowance be changed to "official expens
without regard to location within the United States.

In addition to the establishment of office accounts to suppleme
official allowances, many Members simply used excess campaign fun
directly to pay for expenses not adequately covered by existing allo
ances. This was permissible under the Federal Election Campaign A
and House Rule XLIII, clause 6. The Commission on Administrati
Review noted that the prohibition on use of private funds for offic
purposes could be easily circumvented under this rule by permitti
campaign funds to be used for official purposes when transferr
through personal accounts. Accordingly, the Commission reco
mended that Rule XLIII, clause 6 be amended to prohibit the conv
sion of campaign funds to personal use. (See Chapter II, Use of Ca
paign Funds.)

The purpose of these amendments is to prohibit the use of priv
funds for official purposes. In its report, the Commission stated
strong belief that private funds should be used only for political
related purposes. These changes in House Rules are consistent w
the basic objective of other Commission recommendations—to separ
political funds used only for political purposes, on the one hand, a
official funds used only for official purposes on the other.

SUMMARY

House Rule XLV prohibits any Member from maintaining or h
ing maintained for his use an "unofficial office account," defined as a
account or repository of funds used to defray otherwise unreimburs
expenses allowable under the Internal Revenue Code and necessary
the operation of a congressional office. Newsletter funds are specifica
included in the definition of an office account.

The rule provided that no funds may be paid into any unoffic
office account subsequent to March 2, 1977, and such accounts must
abolished by January 3, 1978, the effective date of the increase in t
allowance for "official expenses." Thus, Members were permitted
draw down existing balances in their office accounts until that da

A major interpretative issue considered by the Committee concerned the application of Rule XLV to acceptance of in-kind services for official purposes. Although it was clear that acceptance of monetary contributions to sustain unofficial office accounts was prohibited by the rule, questions were raised concerning the acceptance of office equipment and supplies, district office space, and other in-kind services, and whether such items would be treated differently than monetary contributions for purposes of the Rule XLV prohibition.

In Advisory Opinion #6, issued on May 9, 1977, the Select Committee found that no distinction could be made between in-kind and monetary contributions. Whether the private support takes the form of a monetary contribution or the form of an in-kind service is irrelevant in view of the intended prohibition against the private financing of official business. Accordingly, the Committee determined that the private contribution of in-kind services for official purposes is prohibited under rule XLV. This interpretation does not apply to services provided by federal, state and local government agencies or to the occasional use of privately-owned meeting space where no public accommodations are reasonably available for meeting with constituents. Nor does Rule XLV apply to interns or volunteers in a Member's office, based on the understanding that such intern programs are primarily of educational benefit to the intern and do not give undue advantage to special interest groups.

The prohibition of unofficial office accounts does not apply to informal groups of Members, such as the Democratic Study Group, Congressional Black Caucus, Environmental Study Conference, and similar ad hoc caucuses which customarily raise private contributions to defray their operating expenses. Rule XLV applies only to private contributions to supplement a Member's official allowances. Obviously, however, Members could not form a "paper caucus" in order to circumvent the rule by raising funds for their own official purposes.

In addition, the question was raised as to whether Rule XLV would apply to conferences or seminars sponsored by Members in their districts where the participants are charged a registration fee to defray the costs. Members often establish a separate account for deposit of these fees, and the funds in such cases are used exclusively to pay for the costs incurred by the conference.

The Committee determined that registration fees collected by a Member's office solely to reimburse the costs of such a conference do not constitute a "contribution" to the Member or his office. Creation of an account for such fees is merely a bookkeeping procedure whereby individuals pay for their own expenses related to the conference. Therefore, such accounts are not prohibited by Rule XLV. However, any surplus proceeds that might be realized from the conference may not be used to supplement official allowances. Accordingly, any surplus proceeds should be returned to the participants, donated to charity, or otherwise disposed of in a manner which would not give the Member any personal or official benefit.

The prohibition of unofficial office accounts is not intended in any way to restrict the Member's use of his personal funds. Thus, a Member may establish a petty cash fund out of his personal monies to pay for miscellaneous office expenses, so long as no funds from any other source (other than reimbursements from appropriated funds) are contributed into that account. The Member may then be reimbursed for ordinary and necessary business expenses incurred in support of official duties by submitting the appropriate vouchers and receipts.

V. Rule XLVI—Limitations on Use of the Frank

BACKGROUND

Section 3210 of title 39, United States Code is the current authority for the use of the congressional frank for sending mail matter on official business. Under its provisions, Members of or Members-elect to Congress may send, as franked mail, matter relating to their official business, activities, and duties. The Franking Act of 1973 (Public Law 95–191) established guidelines on the type of mail that is frankable and specifically prohibited use of the frank for certain mail matter, such as that which is "purely personal to the sender or to any other person." That Act also established a Commission on Congressional Mailing Standards in the House of Representatives with authority to prescribe regulations governing use of the frank, to investigate complaints of franking violations, and to act as a "court of first instance" for the hearing of complaints.

Section 3210(e) of the current law specifically provides that the cost of preparing or printing frankable mail may be paid from any funds, including:

> Funds collected by a candidate or political committee or from voluntary newsletter funds, or from similar funds administered and controlled by a Member, or by a Committee organized to administer such funds.

Thus, prior to adoption of House Rule XLVI, personal funds, campaign funds, and "unofficial newsletter accounts" could be used to print mass mailing materials, which were then franked at public expense. The Commission on Administrative Review, in recommending new restrictions on use of the frank, noted that ". . . since the franking privilege is reserved for 'official materials,' it is inappropriate for franked mass mailings to be printed and prepared with private or political funds. Furthermore, official mailing expenses should be minimized whenever possible without reducing effective and necessary communication between Members and their constituents," (H. Doc. 95–73).

Another major concern cited by the Commission is the potential for abuse of the franking privilege, particularly close to an election. Frequent mailing of newsletters and other mail matter, even if they contain strictly legislative information, may still give the incumbent an unfair campaign advantage.

SUMMARY

House Rule XLVI, adopted on March 2, 1977, addresses these problems by prohibiting mass mailings under the frank less than 60 days prior to any primary or general election, and by prohibiting the use of private funds to prepare or print any mass mailing. The rule contains other restrictions on mailings with a simplified form of addre (postal patron), and additional limitations on all mass mailings, whether sent postal patron or individually addressed. Current law defines a mass mailing as mailings of more than 500 pieces of substantially identical content, except 1) mailings which are in direct response to inquiries or requests; 2) mailings to congressional colleagues or government officials; or 3) mailings of news releases to the media.

Rule XLVI provides as follows:

(1) Postal patron mailings must be sent at the most economical rate of postage practicable. Since April, 1977, postal patron mailings have been sent at bulk rates.

(2) Effective January 1, 1978, the total number of postal patron mailings during any calendar year may not exceed the equivalent of six districtwide mailings. Exempted from this limitation are any mailings which relate solely to a notice of appearance or scheduled itinerary of a Member in his congressional district. This exemption does not apply to any such mailing if the Member is not scheduled to be present but is to be represented by staff.

(3) A sample or description of any postal patron mailing must be submitted to the House Commission on Congressional Mailing Standards for an advisory opinion prior to mailing.

(4) Effective January 1, 1978, the cost of preparing and printing any mass mailing must be paid exclusively from appropriated funds.

(5) Any Member who is a candidate for statewide public office may not send any mass mailing outside his congressional district. Under the Franking Commission regulations, for purposes of this rule, a candidate means a Member who has qualified under state law for the official ballot in any primary, runoff, special or general election, or who has been certified for candidacy by an appropriate state election official.

(6) A Member may not send a mass mailing less than 60 days prior to a primary or general election in which he is a candidate. Under the Franking Commission regulations, mailing made through the facilities of the House folding room shall be deemed in compliance with this rule if such mailings are delivered to the Folding Room not less than 62 days before the date of any election, with instructions for immediate dispatch. For purposes of this rule, the Franking Commission has determined that a Member shall be deemed to be a candidate for public office at any election if his or her name appears on any official ballot to be used in such election.

The Select Committee issued one formal Advisory Opinion concerning Rule XLVI. In Advisory Opinion No. 1, issued on March 22, 1977, the Committee clarified the effective date of clause 4 of the rule, which prohibits the use of private funds to pay for the cost of preparing and printing a mass mailing. The Commission on Administrative Review had recommended that this restriction on mass mailings take effect on January 1, 1978. However, the provision as contained in Res. 287 inadvertently omitted reference to an effective date, and s may be deemed to have taken effect upon enactment. Accordingly, the Committee issued an Advisory Opinion to clarify that mbers were permitted to use private funds to prepare and print s mailings sent under the frank until January 1, 1978.

On June 14, 1977, Representative Morris K. Udall, chairman of the Committee's Task Force on Use of the Frank, introduced H.R. 7792, the Franked Mail Act. The bill, as introduced, incorporated into statute the limitations on use of franking privilege contained in House Rule XLVI. The legislation was ordered reported as amended by the Committee by unanimous voice vote on June 16, 1977, (H. Rept. 95-465). The bill was passed by the House on July 12, 1977. The Senate Governmental Affairs Committee reported H.R. 7792, with amendments, on September 15, 1978, (S. Rept. 95-1195), but no further action was taken in the Senate.

H.R. 7792, as passed by the House, would have amended title 39, United States Code, by incorporating provisions of House Rule XLVI into permanent law.

Additionally, the legislation would have eliminated the specific authorization to send under the frank "mail matter expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction." The effect of this provision would be to subject such mailings to the same test of frankability as is other mail matter which is not specifically authorized. Current law prohibits sending under the frank mail matter "which in its nature is purely personal to the sender or to any other person and is unrelated to official business, activities, and duties of the public officials * * *." Thus, a Member would be able to continue to send appropriate Government pamphlets to a constituent who has become a naturalized citizen with an incidental cover note expressing congratulations. Similarly, a Member could send under the frank a letter containing information advising the spouse of a deceased constituent of Federal programs relating to survivor benefits, and also expressing therein his condolences. However, if enacted into law, this amendment would have the effect of prohibiting such practices as sending under the frank certificates of congratulations to high school graduates, or communications which solely express condolences to bereaved constituents.

The bill would have amended the franking statute by adding a further restriction on the frankability of mail matter which is laudatory and complimentary of a Member. Current law prohibits sending any mail under the frank which is laudatory of a Member "on a purely personal or political basis rather than on the basis of performance of official duties * * *." H.R. 7792 would have prohibited sending any mass mailings under the frank which are laudatory of a Member on the basis of performance of official duties, unless such material is incidental to the article taken as a whole, and does not comprise a substantial portion of the text. Thus, a Member could continue to send as franked mail individual or random letters which contain laudatory material on the basis of performance of official duties. However, if the material was sent in a mass mailing, the laudatory material must be incidental to the article and must not comprise a substantial portion thereof.

The legislation also amended Public Law 93-191 relating to the authority and jurisdiction of the House Commission on Congressional Mailing Standards. The bill authorized the Commission to ue regulations or investigate complaints of violations of the frank- privilege in connection with any other Federal law—other than riminal statute—or any rule of the House relating to franked mail. rrent law limits the Commission's authority to prescribe regulations verning the use of the frank and to investigate alleged violations y under the applicable sections of title 39, United States Code. e bill also extended the Commission's jurisdiction over franking lations to complaints against former Members and officers of the use. Current law limits the Commission's jurisdiction to sitting mbers and officers of the House, and Members-elect. The amend- nt authorized the Commission to refer any franking violations by mer Members or officers of the House to any appropriate law forcement agency.

House Rule XLVII—Outside Earned Income Limitation

BACKGROUND

Rule XLVII limits both the amount of "outside earned income" Member may have, and also the amount a Member may accept as honorarium for any single speech, appearance, or article. Two jor considerations prompted adoption of the rule. First, substan- l payments to a Member of Congress for rendering "personal serv- s" to outside groups presents a significant and avoidable potential conflict of interest. Second, it is inconsistent with the concept that ng a Member of Congress is a full-time job to permit a Member to re substantial earnings from other employment.

SUMMARY

House Rule XLVII, adopted on March 2, 1977, prohibits a Member om having outside earned income attributable to any calendar year ginning after December 31, 1978 in excess of 15% of the Member's lary as a U.S. Representative for that year. In order for an item be counted against this limitation for a particular year: (i) it must "outside earned income", within the meaning of Rule XLVII, and i) it must be attributable to that year. The rule defines outside earned come to mean "wages, salaries, professional fees, honorariums, and her amounts (exclusive of copyright royalties) received or to be ceived as compensation for personal services actually rendered, not cluding the Member's salary as a U.S. Representative."

Rule XLVII, as amended effective in the 96th Congress, also limits e amount of honararia a Member may receive for any speech, ap- arance, or article to $1,000, exclusive of any reimbursement for tual and necessary travel expenses. Payment of travel expenses of spouse (or another family member) accompanying the Member is so excluded from the limitation.

The Select Committee issued a formal Advisory Opinion interpre- ng the outside earned income rule. (see Appendix for complete text).

he Committee is convinced that in the overwhelming majority of ses, there will be little or no difficulty in determining whether certain come is subject to Rule XLVII. While the facts of each individual se will govern applicability of the rule, the principles set forth in

Advisory Opinion #13 should be followed in making that determination.

In that Advisory Opinion, the Committee determined, for purposes of the rule, that there are two types of income—earned and unearned. If the compensation received is essentially a return on equity, then it would generally not be considered to be earned income. If the income is not a return on equity, then such income would generally be considered to be earned income subject to the limitation.

Outside earned income is attributed to the year in which the Member's right to receive it becomes certain (i.e., under the accrual method) rather than to the year of receipt. Therefore, receipt of income earned during a particular year cannot be deferred to a future year in which the Member has less outside earned income, or until after the Member retires from Congress. The limitation is not applicable to compensation for personal services rendered prior to January 1, 1979, the effective date of Rule XLVII, or prior to the effective date of the Member's becoming a U.S. Representative, if later.

Because the Committee is convinced that in almost all instances application of the rule will be clear, the Advisory Opinion was largely restricted to a technical analysis of those few cases in which it may be necessary to interpret the intent of the rule. Any technical question concerning whether or not certain income is subject to the earned income limitation is best answered by a full reading of the appropriate section of Advisory Opinion #13.

APPENDIX 1

CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the following Code of Ethics hould be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their vasion.

3. Give a full day's labor for a full day's pay; giving to the perrmance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting task accomplished.

5. Never discriminate unfairly by the dispensing of special favors r privileges to anyone, whether for remuneration, or not; and never ccept, for himself or his family, favors or benefits under circumstances hich might be construed by reasonable persons as influencing the erformance of his governmental duties.

6. Make no private promises of any kind of binding on the duties f office, since a Government employee has no private word which can e binding on public duty.

7. Engage in no business with the Government, either directly or ndirectly, which is inconsistent with the conscientious performance of is governmental duties.

8. Never use any information coming to him confidentially in the erformance of governmental duties as a means for making private rofit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that a public office is a ublic trust.

APPENDIX 2

RULE XLIII—CODE OF OFFICIAL CONDUCT

There is hereby established by and for the House of Representatives e following code of conduct, to be known as the "Code of Official onduct":

1. A Member, officer, or employee of the House of Representatives hall conduct himself at all times in a manner which shall reflect reditably on the House of Representatives.

2. A Member, officer, or employee of the House of Representatives shall adhere to the spirit and the letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

3. A Member, officer, or employee of the House of Representatives shall receive no compensation nor shall he permit any compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in the Congress.

4. A Member, officer, or employee of the House of Representatives shall not accept gifts (other than personal hospitality of an individual or with a fair market value of $35 or less) in any calendar year aggregating $100 or more in value, directly or indirectly, from any person (other than from a relative of his) having a direct interest in legislation before the Congress or who is a foreign national (or agent of a foreign national). Any person registered under the Federal Regulation of Lobbying Act of 1946 (or any successor statute), any officer or director of such registered person, and any person retained by such registered person for the purpose of influencing legislation before the Congress shall be deemed to have a direct interest in legislation before the Congress.

5. A Member, officer, or employee of the House of Representatives shall accept no honorarium for a speech, writing for publication, or other similar activity, from any person, organization, or corporation in excess of the usual and customary value for such services.

6. A Member of the Hosue of Representatives shall keep his campaign funds separate from his personal funds. He shall convert no campaign funds to personal use in excess of reimbursement for legitimate and verifiable prior campaign expenditures and he shall expend no funds from his campaign account not attributable to bona fide campaign purposes.

7. A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund raising events.

8. A Member of the House of Representatives shall retain no one from his clerk hire allowance who does not perform duties commensurate with the compensation he receives.

9. A Member, officer, or employee of the House of Representatives shall not discharge or refuse to hire any individual, or otherwise discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

10. A Member of the House of Representatives who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is a member and should refrain from voting on any question at a meeting of the House, or of the Committee of the Whole House, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innocence or until he is reelected to the House after the date of such conviction.

11. A Member of the House shall not authorize or otherwise allow a non-House individual, group, or organization to use the words “Con

gress of the United States", "House of Representatives", or "official business", or any combination of words thereof, on ay letterhead or envelope.

(*Note*: Clause 11 was recommended by the Democratic Caucus of the 96th Congress; it is anticipated that this amendment will be approved by the House of Representatives.)

As used in this Code of Official Conduct of the House of Representatives—(a) the terms "Member" and "Member of the House of Representatives" include the Resident Commissioner from Puerto Rico and each Delegate to the House and (b) the term "officer or employee of the House of Representatives" means any individual whose compensation is disbursed by the Clerk of the House of Representatives.

For the purposes of clause 4 of this Code of Official Conduct—

(1) The term "relative" means, with respect to any Member, officer, or employee of the House of Representatives, an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the person reporting.

(2) The term "foreign national" means an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence.

APPENDIX 3

RULE XLIV—FINANCIAL DISCLOSURE

As recommended by the Democratic Caucus, it is anticipated that Rule XLIV will be amended, effective in the 96th Congress, to read as follows:

1. A copy of each report filed with the Clerk under Title I of the Ethics in Government Act of 1978 shall be sent by the Clerk within the seven-day period beginning the date on which the report is filed to the Committee on Standards of Official Conduct. By July 1 of each year, the Clerk shall compile all such reports sent to him by Members within the period beginning on January 1 and ending on May 15 of each year and have them printed as a House document, which document shall be made available to the public.

2. For the purposes of this rule, the provisions of Title I of the Ethics in Government Act of 1978 shall be deemed to be a rule of the House as it pertains to Members, officers, and employees of the House f Representatives.

APPENDIX 4

RULE XLV—PROHIBITION OF UNOFFICIAL OFFICE ACCOUNTS

1. On or after January 1, 1978, no Member may maintain or have aintained for his use an unofficial office account.

2. After the date of adoption of this rule, no funds may be paid into any unofficial office account.

3. For purposes of this rule—

(*a*) the term "unofficial office account" means an account or repository into which funds are received for the purpose of defraying otherwise unreimbursed expenses allowable under section 162 (a) of the Internal Revenue Code of 1954 as ordinary and necessary in the operation of a congressional office, and includes any newsletter fund referred to in section 527(g) of the Internal Revenue Code of 1954; and

(*b*) the term "Member" means any Member of, Delegate to, or Resident Commissioner in, the House of Representatives.

APPENDIX 5

RULE XLVI—LIMITATIONS ON USE OF THE FRANK

"1. Any franked mail which is mailed by a Member under section 3210(d) of title 39, United States Code, shall be mailed at the equivalent rate of postage which assures that such mail will be sent by the most economical means practicable.

"2. After December 31, 1977, the total number of pieces of mail which may be mailed as franked mail under section 3210(d) of title 39, United States Code, during any calendar year by a Member entitled to mail franked mail under this subsection may not exceed an amount equal to 6 multiplied by the number of addresses to which such mail may be delivered, in accordance with paragraph (4) of section 3210(d) of title 39, United States Code, in the area from which such Member was elected. Any mail matter which relates solely to a notice of appearance or a scheduled itinerary of a Member in the area from which such Member was elected shall not count against the limitation set forth in the preceding sentence.

"3. Any member entitled to mail franked mail under section 3210(d) of title 39, United States Code, shall, before making any such mailing, submit a sample or description of the mail matter involved to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether such proposed mailing is in compliance with the provisions of such section.

"4. Any mass mailing which otherwise is frankable by a Member under the provisions of section 3210(e) of title 39, United States Code, shall not be frankable unless the cost of preparing and printing such mass mailing is defrayed exclusively from funds made available in any appropriations Act.

"5. In the case of any Representative in the House of Representatives, other than a Representative at Large, who is a candidate for any statewide public office, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is delivered to any address which is not located in the area constituting the congressional district from which any such individual was elected.

"6. In the case of any Member, any mass mailing shall not be frankable under section 3210 of title 39, United States Code, when the same is mailed less than 60 days immediately before the date of any pr nary or general election (whether regular, special, or runoff) in which uch Member is a candidate for public office.

"7. For purposes of this rule, the term 'Member' means any Member f the House of Representatives, a Delegate to the House of Repre-entatives, or the Resident Commissioner in the House of Representa-ives.".

Appendix 6

Rule XLVII—Limitations on Outside Earned Income

"1. (a) Except as provided by paragraph (b), no Member may, in ny calendar year beginning after December 31, 1978, have outside arned income attributable to such calendar year which is in excess f 15 per centum of the aggregate salary as a Member paid to the lember during such calendar year.

"(b) In the case of any individual who becomes a Member during ny calendar year beginning after December 31, 1978, such Member ay not have outside earned income attributable to the portion of that lendar year which occurs after such individual becomes a Member hich is in excess of 15 per centum of the aggregate salary as a Mem-r paid to the Member during such calendar year.

"2. No Member may, in any calendar year beginning after Decem-r 31, 1978, accept any honorarium of more than $750 in value.

"3. For the purposes of this rule—

"(a) the term 'Member' means any Member of the House of Representatives, a delegate to the House of Representatives, or the Resident Commissioner in the House of Representatives.

"(b) the term 'honorarium' means a payment of money or any thing of value to a Member for an appearance, speech, or article, by the Member; but there shall not be taken into account for purposes of this paragraph any actual and necessary travel expenses incurred by the Member to the extent that such expenses are paid or reimbursed by any other person, and the amount otherwise determined shall be reduced by the amount of any such expenses to the extent that they are not paid or reimbursed.

"(c) the term 'travel expenses' means, with respect to a Member, the cost of transportation, and the cost of lodging and meals while away from his residence or the greater Washington, D.C., metropolitan area.

"(d) the term 'outside earned income' means, with respect to a Member, wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalities) received or to be received as compensation for personal services actually rendered but does not include—

"(1) the salary of such Member as a Member;

"(2) any compensation derived by such Member for personal services actually rendered prior to the effective date of this Rule or becoming such a Member, whichever occurs later;

"(3) any amount paid by, or on behalf of, a Member to a tax-qualified pension, profit-sharing, or stock bonus plan and received by such Member from such a plan; and/or annuity; and

"(4) in the case of a Member engaged in a trade or business in which the Member or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by such Member so long as the personal services actually rendered by the Member in the trade or business do not generate a significant amount of income.

Outside earned income shall be determined without regard to any community property law.".

(*Note:* As recommended by the Democratic Caucus of the 96th Congress, it is anticipated that the honorarium limitation will be raised to $1,000 to conform to the comparable Senate Rule.)

Appendix 7

Summary of House Rules Changes Adopted on March 2, 1977

RULE XLIII: CODE OF OFFICIAL CONDUCT

The amendments to Rule XLIII, the Code of Official Conduct, take effect immediately, as follows: Clause 4 is amended to provide that a Member, officer, or employee may not accept gifts aggregating more than $100 in value in any calendar year from any person having a direct interest in legislation before the Congress. Exempted from this prohibition are gifts from a relative, gifts of less than $35 in value, and gifts of personal hospitality of an individual.

Clause 6 is amended by striking "Unless specifically provided by law," thus limiting the use of political funds to political expenditures.

Clause 7 is amended by striking language which permits the use of proceeds from fund-raising events for other than campaign purposes if the donors are so advised in advance. Clause 7 thus prohibits the conversion of proceeds from testimonial dinners or other fund-raising events to personal use under any circumstances.

RULE XLIV: FINANCIAL DISCLOSURE

The first disclosure statement under the new financial disclosure requirements will be filed April 30, 1978, and will relate to the period October 1 through December 31, 1977. Securities transactions and capital gains are exempted from the first filing. Thus, the first disclosure statements will include income (other than capital gains), gifts and reimbursements received after September 30, property held and liabilities owed as of the close of the year, and any purchase or sales of real property after September 30, 1977.

RULE XLV: UNOFFICIAL OFFICE ACCOUNTS; OFFICIAL EXPENSE ALLOWANCE

New Rule XLV provides, effective immediately, that no funds may be paid into any unofficial office account, and such accounts must be abolished by January 3, 1978. Thus, Members may draw down existing balances in an unofficial office account until January 3, 1978.

Effective at the beginning of this Congress, January 3, 1977, the allowance for "official expenses" may be used to reimburse official expenses incured anywhere in the United States. Effective January 3, 1978, that allowance is increased from $2,000 to $7,000 annually.

RULE XLVI: LIMITATIONS ON THE USE OF THE FRANK

New Rule XLVI imposes several limitations on the use of postal patron mailings and additional restrictions on all mass mailings, whether sent postal patron or individually addressed. Effective immediately after the necessary postal arrangements have been made (approximately mid-April), postal patron mailings must be sent at the most economical rate available. Effective immediately, a sample or description of any postal patron mailing must be submitted to the Commission on Congressional Mailing Standards for an advisory opinion. The following restrictions on mass mailings also take effect immediately: Any member who is a candidate for statewide public office may not send any mass mailing under the frank outside his/her Congressional district. A Member may not send any mass mailing under the frank less than 60 days prior to a primary or general election in which he is a candidate.

Effective January 1, 1978, the total number of postal patron mailings in any calendar year may not exceed the equivalent of six districtwide mailings (except for mailings which relate solely to a notice of appearance or scheduled itinerary of a Member). Also effective January 1, 1978, the cost of preparing and printing any mass mailing sent under the frank must be paid exclusively from public funds.

RULE XLVII: OUTSIDE EARNED INCOME

New Rule XLVII provides, effective January 1, 1979, that no Member may have outside earned income for personal services rendered in excess of 15% of his annual salary as a U.S. Representative, and no Member may accept an honorarium in excess of $750 in value. Outside earned income is defined as "wages, salaries, professional fees, honorariums, and other amounts (other than copyright royalties) received or to be received as compensation for personal services actually rendered . . ." by a Member after the effective date of this rule.

OFFICIAL TRAVEL

Effective immediately, Clause 2 of Rule XI, relating to committee travel, is amended to prohibit a Member or committee employee from receiving per diem for any portion of allowable expenses that are reimbursed by other sources.

Effective immediately, Clauses 2 and 5 of Rule XI, and Clause 8 of Rule I are amended to prohibit the use of public funds to pay for the travel expenses of retiring or defeated Members. For purposes of this prohibition, a retiring Member becomes a lame-duck after the general election or once the House has adjourned sine die, whichever date comes first. Members who are defeated in the general election become lame-ducks following that election.

APPENDIX 8

HOUSE RULES ON ACCEPTANCE AND DISCLOSURE OF TRAVEL-RELATED EXPENSES

The following summary has been prepared by the Select Committee on Ethics in response to questions concerning the application of House Rules to acceptance and disclosure of travel-related expenses (i.e., transportation, lodging, food and entertainment).

DISCLOSURE (HOUSE RULE XLIV)

Exemptions

Certain travel-related expenses are exempt from disclosure because they are either disclosed elsewhere and/or do not involve potential conflicts of interest. A reporting individual need not list travel-related expenses which are:

(a) provided by federal, state or local governments, or subdivisions thereof;

(b) provided by a foreign government or international governmental organization within a foreign country. Such expenses must be disclosed elsewhere under the terms of the Foreign Gifts and Decorations Act (5 U.S.C. 7342).

(c) provided from campaign funds to make a political appearance on behalf of a federal officeholder or candidate for federal office.

Requirements

Disclosure is required for all travel-related expenses aggregating $250 or more in a calendar year from any "non-governmental source". Therefore, expenses exceeding $250 in value provided from such sources as trade associations, foundations, corporations, labor unions, educational institutions, or political organizations, should be disclosed as either a reimbursement or a gift.

(*a*) *Reimbursements.*—This category includes travel-related expenses provided for such activities as speaking engagements, conferences, and fact-finding events related to official duties. Such expenses would be listed as reimbursements whether they were actually reimbursed to the reporting individual or paid directly by the sponsoring organization.

(*b*) *Gifts.*—This category includes travel-related expenses provided for the personal benefit of the reporting individual (e.g., a vacation or personal side trip during fact-finding tours). However, exempted from disclosure is the "personal hospitality" of an individual provided in the residence or other property owned by that individual (e.g., use of a friend's summer home).

In disclosing travel expenses, exact dollar figures need not be reported. The reporting requirements under title I of the Ethics in Government Act require only the identity of the source and a brief description of reimbursements or gifts of travel expenses. Thus, the reporting individual should provide a description of the itinerary and the nature of the expenses provided to him.

ACCEPTANCE OF GIFTS (HOUSE RULE XLIII)

House Rule XLIII, clause 4 prohibits the acceptance of gifts aggre- ting $100 or more in value in a calendar year from any source with a irect interest in legislation before the Congress, or from a foreign ational. Exempted are gifts from relatives, gifts of personal hospital- y, and gifts valued at $35 or less.

Therefore, acceptance of such gifts as corporate jet trips back to the istrict, weekends at resort areas, or personal side trips during fact- nding tours which exceed $100 in value is prohibited if the source of ch expenses has a direct interest in legislation. Note, however, that xpenses provided for fact-finding tours, conferences, and other activi- es related to official duties are not considered to be gifts, but rather eimbursements which may be accepted subject to disclosure require- ents.

APPENDIX 9

REGULATIONS ON ACCEPTANCE OF GIFTS FROM FOREIGN GOVERNMENTS

Authority

The Committee on Standards of Official Conduct is authorized to sue regulations on this subject by 5 U.S.C. §§ 7342(g), 7342(a)(6), s amended by Public Law 95–105, commonly known as the Foreign ifts and Decorations Act.

Purpose

The purpose of these regulations is to establish standards for the ceptance and disclosure of decorations, gifts of more than minimal alue, and gifts of travel or expenses for travel taking place entirely tside the United States tendered by foreign governments to Mem- rs, officers, and employees of the House of Representatives.

General Standards

(a) The United States Constitution (Article I, Section 9, clause) prohibits a Federal official from accepting gifts of any kind what- ver from a foreign government without the consent of the Congress.

(b) The Foreign Gifts and Decorations Act (5 U.S.C. 7342) pro- ibits an officer or employee of the Government from requesting or therwise encouraging the tender of a gift or decoration from a for- gn government, and prohibits the acceptance of such gifts other han in accordance with the provisions of that Act as implemented or Members, officers, and employees of the House by these regulations.

(c) Rule XLIII, clause 4, of the Rules of the House of Representa- ves prohibits a Member, officer, or employee of the House from cepting gifts (other than personal hospitality of an individual or ifts with a fair market value of $35 or less) in any calendar year ggregating over $100 from a foreign national not acting as a repre- entative of a foreign government. Food, lodging, transportation, and ntertainment provided on an official basis by a foreign government to Members of the House of Representatives are not subject to the provisions of House Rule XLIII, clause 4, as such matters are deemed controlled by Constitutional and statutory prohibitions.

4. Definitions

As used in this section and sections 2, 3, 5 and 6 of these regulations

(*a*) "Member, officer, or employee of the House of Representatives" includes the spouse of such individual (unless such individual and spouse are separated) or a dependent of such individual (as define in section 152 of the Internal Revenue Code);

(b) "foreign government" means—

(i) any unit of foreign governmental authority, including an foreign municipal, local, State, and national government;

(ii) any international or multinational organization whose mem bership is composed of any unit of foreign government describe in subparagraph (i); and

(iii) any agent or representative of any such unit or such o ganization, while acting as such;

(c) "decoration" means an order, device, medal, badge, insignia, em blem, or award tendered by, or received from, a foreign government and

(d) "gift" means a tangible or intangible present (other than decoration) tendered by, or received from, a foreign government.

5. Consent of Congress for the acceptance of decorations

The Congress has consented (5 U.S.C. 7342(d)) to the acceptin retaining, and wearing by a Member, officer, or employee of the Hou of Representatives of a decoration tendered in recognition of acti field service in time of combat operations or awarded for other ou standing or unusually meritorious performance, subject to the approv of the Committee on Standards of Official Conduct.

(a) *Decorations of minimal intrinsic value.*—Decorations present to Members, officers, or employees of the House tendered by or receiv from a foreign government may be accepted by such Member, offic or employee where the intrinsic value of the decoration is of minim value, without prior approval of the Committee on Standards of O cial Conduct. Decorations of minimal intrinsic value are defined those having a retail value in the United States of $100 or less.

(b) *Decorations of more than minimal intrinsic value.*—Unless ceptance is specifically approved by the Committee on Standards Official Conduct, decorations of more than minimal value, if promptly returned, are deemed to have been accepted on behalf of United States and shall become the property of the United Sta Within 60 days after acceptance of such a decoration, the decorat must be turned over to the Clerk of the House of Representatives disposal; or, with the approval of the Committee on Standards Official Conduct, deposited with the Committee for official use. At time such decoration is turned over to the Clerk by a Member, office employee, such individual must file a disclosure statement concern such decoration with the Committee, detailing information as provi in section 7 of these regulations.

6. Consent of Congress for the Acceptance of Gifts

Congress has consented to the acceptance of certain gifts, or under particular circumstances, from foreign governments by of or employees of the Government, including Members, officers, and employees of the House:

(a) *Gifts of minimal value.*—Members, officers, and employees of the House may accept gifts of minimal value from foreign governments tendered and received as a souvenir or mark of courtesy. Gifts of minimal value are defined as those having a retail value in the United States of $100 or less.

(b) *Gifts of more than minimal value where refusal may cause offense or embarrassment.*—A Member, officer, or employee may accept tangible gifts of more than minimal value when refusal would be deemed likely to cause offense or embarrassment or otherwise adversely affect United States foreign relations. However, any such tangible gift received and not promptly returned is deemed to have been accepted on behalf of the United States, and upon acceptance becomes property of the United States. Within 60 days after accepting such a gift, the gift must be turned over to the Clerk of the House of Representatives for disposal, or, with the approval of the Committee on Standards of Official Conduct, deposited with the Committee for official use. At the time such gift is turned over to the Clerk by a Member, officer, or employee, such individual must file a disclosure statement concerning such gift with the Committee, detailing information as provided in section 7(a) of these regulations. Intangible gifts of more than minimal value may only be accepted in accordance with section 6(c) and (e) of these regulations.

(c) *Education scholarship or medical treatment.*—Members, officers, or employees of the House may accept a gift of more than minimal value from a foreign government when the gift is in the nature of an educational scholarship or medical treatment.

(d) *Foreign educational or cultural exchange.*—Acceptance of assistance from a foreign government for participation in foreign exchange or visitors programs by Federal officers or employees is consented to by Congress in certain instances outlined in 22 U.S.C. 2458a. the Mutual Educational and Cultural Exchange Act. Assistance or grants received under that act are not considered "gifts" under these regulations.

(e) *Travel or expenses for travel outside of the United States.*—A Member, officer, or employee of the House may accept gifts of travel or expenses for travel taking place entirely outside of the United States offered by a foreign government when such travel or expenses for travel relate directly to the official duties of the Member, officer, or employee. Gifts of travel or expenses for travel include food, lodging, transportation and entertainment relating to the official duties of the Member, officer, or employee. This provision allows a Member, officer, or employee to take advantage of opportunities such as certain onsite inspection or fact findings while in a foreign country. A spouse or dependent of a Member, officer, or employee of the House may accept such travel or expenses for travel when accompanying the Member, officer, or employee of the House. Such travel or expenses for travel may not be accepted merely for the personal benefit, pleasure, enjoyment or financial enrichment of the individual or individuals involved. The acceptance of any such travel or expenses for travel shall be reported within 30 days after acceptance to the Committee on Standards of Official Conduct, providing information required in section 7(b) of these regulations. For the purposes of these regulations, travel or expenses for travel are deemed accepted upon departure from the donor country.

7. *Reports and Disclosure*

Any gift provided to a spouse or dependent should be considered to be a gift provided to the Member, officer, or employee and therefore must be disclosed by such Member, officer, or employee.

For the purposes of these regulations, any decoration presented by a foreign government to the spouse or a dependent of a Member, officer, or employee of the House is considered to be presented to the Member, officer, or employee when it is apparent the decoration would not have been offered but for the recipient's relation to the Member, officer, or employee, and therefore must be disclosed by such Member, officer, or employee.

An appraisal of tangible gifts or decorations, if necessary, may be obtained through the Clerk of the House of Representatives.

(a) *Tangible gifts and decorations.*—At the time of depositing a tangible gift or decoration of more than minimal value accepted by a Member, officer, or employee pursuant to section 5(b) or 6(b) of these regulations, the Member, officer, or employee shall report to the Committee the following information:

(i) the name and position of the reporting individual and the recipient;

(ii) a brief description of the gift or decoration and the circumstances justifying acceptance:

(iii) the estimated value in the United States at the time of acceptance;

(iv) the date of acceptance of the gift or decoration;

(v) the identity, if known, of the foreign government and the name and position of the individual who presented the gift or decoration;

(vi) disposition or current location of the gift or decoration.

(*b*) *Other gifts.*—Within 30 days after acceptance of gifts of travel pursuant to section 6(e) of these regulations, the Member, officer, or employee shall report to the Committee the following information:

(i) the name and position of the reporting individual;

(ii) a brief description of the gift and the circumstances justifying acceptance; and

(iii) the identify, if known, of the foreign government and the name and position of the individual who presented the gift.

8. *Public Inspection*

Reports filed under these regulations as promulgated under 5 U.S.C. 7342 shall be maintained by the Committee on Standards of Official Conduct and made available for public inspection at reasonable hours. Not later than January 31, 1979, and January 31 of each succeeding year, the Committee on Standards of Official Conduct will compile a listing of all statements filed during the preceding year and will transmit such listing to the Secretary of State for publication in the Federal Register.

Reports filed with the Committee under these regulations will be maintained for public inspection for a period of 7 years following transmittal to the Secretary of State.

DISCLOSURE FORM PURSUANT TO 5 U.S.C. 7342

Name:

Position:

Recipient (if other than reporting person):

Description:

(1) Tangible gift(s) of more than minimal value.

(2) Decoration(s) of more than minimal intrinsic value.

(3) Travel provided by a foreign government.

(4) Expenses for travel provided or reimbursed by a foreign government.

Circumstances justifying acceptance:

Date or dates of acceptance (for travel give inclusive dates travel occurred):

Donor government (if items are received from more than one foreign government, use additional forms):

(1) Name and position of individual who presented item:

For tangible gifts or decorations of more than minimal value only:

(1) Estimated value in United States at time of acceptance:

(2) Disposition or current location of accepted item(s):

Signature

Date of this report

APPENDIX 10

LEGISLATIVE BRANCH DISCLOSURE REQUIREMENTS

Public Law 95–521
95th Congress

AN ACT To establish certain Federal agencies, effect certain reorganizations of the Federal Government, to implement certain reforms in the operation of the Federal Government and to preserve and promote the integrity of public officials and institutions, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Ethics in Government Act of 1978".

TITLE I—LEGISLATIVE PERSONNEL FINANCIAL DISCLOSURE REQUIREMENTS

COVERAGE

SEC. 101. (a) Each Member in office on May 15 of a calendar year shall file on or before May 15 of that calendar year a report containing the information as described in section 102(a).

(b) Any individual who is an officer or employee of the legislative branch designated in subsection (e) during any calendar year and performs the duties of his position or office for a period in excess of sixty days in that calendar year shall file on or before May 15 of the succeeding year a report containing the information as described in section 102(a).

(c) Within thirty days of assuming the position of an officer or employee designated in subsection (e), an individual other than an individual employed in the legislative branch upon assuming such position shall file a report containing the information as described in section 102(b) unless the individual has left another position designated in subsection (e) within thirty days prior to assuming his new position. This subsection shall take effect on January 1, 1979.

(d) Within thirty days of becoming a candidate in a calendar year for any election for the office of Member, or on or before May 15 of that calendar year, which ever is later, but in no event later than seven days prior to the election, and on or before May 15 of each successive year the individual continues to be a candidate, an individual shall file a report containing the information as described in section 102(b).

(e) The officers and employees referred to in subsections (b) and (c) are—

(1) each officer or employee of the legislative branch who is compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS–16 of the General Schedule; and

(2) at least one principal assistant designated for purposes of this section by each Member who does not have an employee compensated at a rate equal to or in excess of the annual rate of basic pay in effect for grade GS–16 of the General Schedule.

For the purposes of this title, the legislative branch includes the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Cost Accounting Standards Board, the General Accounting

Office, the Government Printing Office, the Library of Congress, the Office of the Attending Physician, and the Office of Technology Assessment.

(f) Reasonable extensions of time for filing any report may be granted by the designated committee of the Senate with respect to those filing with the Secretary and by the designated committee of the House of Representatives with respect to those filing with the Clerk but in no event may the extension granted to a Member or candidate result in a required report being filed later than seven days prior to an election involving the Member or candidate. If the day on which a report is required to be filed falls on a weekend or holiday, the report may be filed on the next business day.

(g) Notwithstanding the dates specified in subsection (d) of this section, an individual who is a candidate in calendar year 1978 shall file the report required by such subsection not later than November 1, 1978, except that a candidate for the Senate who has filed a report as of such date pursuant to the Rules of the Senate need not file the report required by subsection (d) of this section.

CONTENTS OF REPORTS

SEC. 102. (a) Each report filed pursuant to subsections (a) and (b) of section 101 shall include a full and complete statement with respect to the following:

(1)(A) The source, type, and amount or value of income (other than income referred to in subparagraph (B)) from any source (other than from current employment by the United States Government), and the source, date, and amount of honoraria from any source, received during the preceding calendar year, aggregating $100 or more in value.

(B) The source and type of income which consists of dividends, interest, rent, and capital gains, received during the preceding calendar year which exceeds $100 in amount or value, and an indication of which of the following categories the amount or value of such item of income is within:

(i) not more than $1,000,
(ii) greater than $1,000 but not more than $2,500,
(iii) greater than $2,500 but not more than $5,000,
(iv) greater than $5,000 but not more than $15,000,
(v) greater than $15,000 but not more than $50,000,
(vi) greater than $50,000 but not more than $100,000 or
(vii) greater than $100,000.

(2)(A) The identity of the source and a brief description of any gifts of transportation, lodging, food, or entertainment aggregating $250 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any food, lodging, or entertainment received as personal hospitality of any individual need not be reported, and any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph.

(B) The identity of the source, a brief description, and the value of all gifts other than transportation, lodging, food, or entertainment aggregating $100 or more in value received from any source other than a relative of the reporting individual during the preceding calendar year, except that any gift with a fair market value of $35 or less need not be aggregated for purposes of this subparagraph. A gift need not be so aggregated if in an unusual case, a publicly available request for a waiver is granted.

(C) The identity of the source and a brief description of reimbursement received from any source aggregating $250 or more in value and received during the preceding calendar year.

(3) The identity and category of value of any interest in property held during the preceding calendar year in a trade or business, or for investment or the production of income, which has a fair market value which exceeds $1,000 as of the close of the preceding calendar year, excluding any personal liability owed to the reporting individual by a relative or any deposits aggregating $5,000 or less in a personal savings account. For purposes of this paragraph, a personal savings account shall include any certificate of deposit or any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution.

(4) The identity and category of value of the total liabilities owed to any creditor other than a relative which exceed $10,000 at any time during the preceding calendar year, excluding—

(A) any mortgage secured by real property which is a personal residence of the reporting individual or his spouse;

(B) any loan secured by a personal motor vehicle, household furniture, or appliances, which loan does not exceed the purchase price of the item which secures it.

With respect to revolving charge accounts, only those with an outstanding liability which exceeds $10,000 as of the close of the preceding calendar year need be reported under this paragraph.

(5) Except as provided in this paragraph, a brief description, the date, and category of value of any purchase, sale, or exchange during the preceding calendar year which exceeds $1,000—

(A) in real property, other than property used solely as a personal residence of the reporting individual or his spouse; or

(B) in stocks, bonds, commodities futures, and other forms of securities.

Reporting is not required under this paragraph of any transaction solely by and between the reporting individual, his spouse, or dependent children.

(6) The identity of all positions on or before the date of filing during the current calendar year as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any corporation, company, firm, partnership, or other business enterprise, any nonprofit organization, any labor organization, or any educational or other institution other than the United States This paragraph shall not require the reporting of positions held in any religious, social, fraternal, or political entity and positions solely of an honorary nature.

(7) A description of the date, parties to, and terms of any agreement or arrangement with respect to: (A) future employment; (B) a leave of absence during the period of the reporting individual's Government service; (C) continuation of payments by

a former employer other than the United States Government; and (D) continuing participation in an employee welfare or benefit plan maintained by a former employer.

(b) Each report filed pursuant to subsections (c) and (d) of section 101 shall include a full and complete statement with respect to the information required by paragraphs (3), (4), (6), and (in the case of reports filed pursuant to subsection (c) of section 101) (7) of subsection (a), as of a date, specified in such report, which shall be not more than thirty-one days prior to the date of filing, and the information required by paragraph (1) of subsection (a) for the year of filing and the preceding calendar year.

(c)(1) The categories for reporting the amount or value of the items covered in paragraphs (3), (4) and (5) of subsection (a) are as follows:

(A) not more than $5,000;
(B) greater than $5,000 but not more than $15,000;
(C) greater than $15,000 but not more than $50,000;
(D) greater than $50,000 but not more than $100,000;
(E) greater than $100,000 but not more than $250,000; and
(F) greater than $250,000.

(2) For the purposes of paragraph (3) of subsection (a) if the current value of an interest in real property (or an interest in a real estate partnership) is not ascertainable without an appraisal, an individual may list (A) the date of purchase and the purchase price of the interest in the real property, or (B) the assessed value of the real property for tax purposes, adjusted to reflect the market value of the property used for the assessment if the assessed value is computed at less than 100 percent of such market value, but such individual shall include in his report a full and complete description of the method used to determine such assessed value, instead of specifying a category of value pursuant to paragraph (1) of this subsection. If the current value of any other item required to be reported under paragraph (3) of subsection (a) is not ascertainable without an appraisal, such individual may list the book value of a corporation whose stock is not publicly traded, the net worth of a business partnership, the equity value of an individually owned business, or with respect to other holdings, any recognized indication of value, but such individual shall include in his report a full and complete description of the method used in determining such value. In lieu of any value referred to in the preceding sentence, an individual may list the assessed value of the item for tax purposes, adjusted to reflect the market value of the item used for the assessment if the assessed value is computed at less than 100 percent of such market value, but a full and complete description of the method used in determining such assessed value shall be included in the report.

(d)(1) Except as provided in the last sentence of this paragraph, each report shall also contain information listed in paragraphs (1) through (5) of subsection (a) respecting the spouse or dependent child of the reporting individual as follows:

(A) The source of items of earned income earned by a spouse from any person which exceed $1,000 and, with respect to a spouse or dependent child, all information required to be reported in subsection (a)(1)(B) with respect to income derived from any asset held by the spouse or dependent child and reported pursuant to paragraph (3). With respect to earned income, if the spouse is self-employed in business or a profession, only the nature of such business or profession need be reported.

(B) In the case of any gift which is not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of gifts of transportation, lodging, food, or entertainment or a brief description and the value of other gifts.

(C) In the case of any reimbursement which is not received totally independent of the spouse's relationship to the reporting individual, the identity of the source and a brief description of the reimbursement.

(D) In the case of items described in paragraphs (3) through (5), all information required to be reported under these paragraphs other than items (i) which the reporting individual certifies represent the spouse or dependent child's sole financial interest or responsibility and which the reporting individual has no knowledge of, (ii) which are not in any way, past or present, derived from the income, assets, or activities of the reporting individual, and (iii) from which the reporting individual neither derives, nor expects to derive, any financial or economic benefit.

Each report referred to in subsection (b) of this section shall, with respect to the spouse and dependent child of the reporting individual, only contain information listed in paragraphs (1), (3), and (4) of subsection (a), as specified in this paragraph.

(2) No report shall be required with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage or providing for permanent separation; or with respect to any income or obligations of an individual arising from the dissolution of his marriage or the permanent separation from his spouse.

(e)(1) Except as provided in paragraph (2), each reporting individual shall report the information required to be reported pursuant to subsection (a) and (b) of this section with respect to the holdings of and the income from a trust or other financial arrangement from which income is received by, or with respect to which a beneficial interest in principal or income is held by, such individual, his spouse, or any dependent child.

(2) A reporting individual need not report the holdings of or the source of income from any of the holdings of—

(A) any qualified blind trust (as defined in paragraph (3)); or

(B) a trust—

(i) which was not created directly by such individual, his spouse, or any dependent child, and

(ii) the holdings or sources of income of which such individual, his spouse, and any dependent child have no knowledge of,

but such individual shall report the category of the amount of income received by him, his spouse, or any dependent child from the trust under subsection (a)(1)(B) of this section.

(3) For purposes of this subsection, the term "qualified blind trust" includes any trust in which a reporting individual, his spouse, or any dependent child has a beneficial interest in the principal or income, and which meets the following requirements:

(A) The trustee of the trust is a financial institution, an attorney, a certified public accountant, or a broker, who (in the case of a financial institution or investment company, any officer or employee involved in the management or control of the trust who)—

(i) is independent of and unassociated with any interested party so that the trustee cannot be controlled or influenced in the administration of the trust by any interested party,

(ii) is or has not been an employee of any interested party, or any organization affiliated with any interested party and is not a partner of, or involved in any joint venture or other investment with, any interested party, and

(iii) is not a relative of any interested party.

(B) Any asset transferred to the trust by an interested party is free of any restriction with respect to its transfer or sale unless such restriction is expressly approved by the supervising ethics office of the reporting individual.

(C) The trust instrument which establishes the trust provides that—

(i) except to the extent provided in subparagraph (B) of this paragraph, the trustee in the exercise of his authority and discretion to manage and control the assets of the trust shall not consult or notify any interested party;

(ii) the trust shall not contain any asset the holding of which by an interested party is prohibited by any law or regulation;

(iii) the trustee shall promptly notify the reporting individual and his supervising ethics office when the holdings of any particular asset transferred to the trust by any interested party are disposed of or when the value of such holding is less than $1,000;

(iv) the trust tax return shall be prepared by the trustee or his designee, and such return and any information relating thereto (other than the trust income summarized in appropriate categories necessary to complete an interested party's tax return), shall not be disclosed to any interested party;

(v) an interested party shall not receive any report on the holdings and sources of income of the trust, except a report at the end of each calendar quarter with respect to the total cash value of the interest of the interested party in the trust or the net income or loss of the trust or any reports necessary to enable the interested party to complete an individual tax return required by law or to provide the information required by subsection (a)(1)(B) of this section but such report shall not identify any asset or holding;

(vi) except for communications which solely consist of requests for distributions of cash or other unspecified assets of the trust, there shall be no direct or indirect communication between the trustee and an interested party with respect to the trust unless such communication is in writing and unless it relates only (I) to the general financial interest and needs of the interested party (including, but not limited to, an interest in maximizing income or long-term capital gain), (II) to the notification of the trustee of a law or regulation subsequently applicable to the reporting individual which prohibits the interested party from holding an asset, which notification directs that the asset not be held by the trust, or (III) to directions to the trustee to sell all of an asset initially placed in the trust by an interested party which in the determination of the reporting individual creates a conflict of interest or the appearance thereof due to the subsequent assumption of duties by the reporting individual (but nothing herein shall require any such direction); and

(vii) the interested parties shall make no effort to obtain information with respect to the holdings of the trust, including obtaining a copy of any trust tax return filed or any information relating thereto except as otherwise provided in this subsection.

(D) The proposed trust instrument and the proposed trustee is approved by the reporting individual's supervising ethics office.

For purposes of this subsection "interested party" means a reporting individual, his spouse, and any dependent child if the reporting individual, his spouse, or dependent child has a beneficial interest in the principal or income of a qualified blind trust; "broker" has the meaning set forth in section 78 of title 15, United States Code; and "supervising ethics office" means the designated committee of the House of Representatives for those who file their reports required by this title with the Clerk and the designated committee of the Senate for those who file the reports required by this title with the Secretary.

(4) An asset placed in a trust by an interested party shall be considered a financial interest of the reporting individual, for the purposes of section 208 of title 18, United States Code, and any other conflict of interest statutes or regulations of the Federal Government, until such time as the reporting individual is notified by the trustee that such asset has been disposed of, or has a value of less than $1,000.

(5)(A) The reporting individual shall, within thirty days after a qualified blind trust is approved by his supervising ethics office, file with such office a copy of—

(i) the executed trust instrument of such trust (other than those provisions which relate to the testamentary disposition of the trust assets), and

(ii) a list of the assets which were transferred to such trust, including the category of value of each asset as determined under subsection (c)(1) of this section.

(B) The reporting individual shall, within thirty days of transferring an asset (other than cash) to a previously established qualified blind trust, notify his supervising ethics office of the identity of each such asset and the category of value of each asset as determined under subsection (c)(1) of this section.

(C) Within thirty days of the dissolution of a qualified blind trust, a reporting individual shall—

(i) notify his supervising ethics office of such dissolution, and

(ii) file with such office a copy of a list of the assets of the trust at the time of such dissolution and the category of value under subsection (c) of this subsection of each such asset.

(D) Documents filed under subparagraphs (A), (B), and (C) of this paragraph and the lists provided by the trustee of assets placed in the trust by an interested party which have been sold shall be made available to the public in the same manner as a report is made available under section 104, and the provisions of that section shall apply.

(E) A copy of each written communication with respect to the trust under paragraph (3)(C)(vi) shall be filed by the person initiating the communication with the reporting individual's supervising ethics office within five days of the date of the communication.

(6)(A) A trustee of a qualified blind trust shall not knowingly or negligently (i) disclose any information to an interested party with respect to such trust that may not be disclosed under paragraph (3) of this subsection; (ii) acquire any holding the ownership of which is prohibited by the trust instrument; (iii) solicit advice from any interested party with respect to such trust, which solicitation is prohibited by paragraph (3) of this subsection or the trust agreement; or (iv) fail to file any document by this subsection.

(B) A reporting individual shall not knowingly or negligently (i) solicit or receive any information with respest to a qualified blind trust of which he is an interested party that may not be disclosed under paragraph (3)(C) of this subsection, or (ii) fail to file any document required by this subsection.

(C)(i) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who knowingly and willfully violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000.

(ii) The Attorney General may bring a civil action in any appropriate United States District Court against any individual who negligently violates the provisions of subparagraph (A) or (B) of this paragraph. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $1,000.

(7) Any trust which is in existence prior to the date of the enactment of this Act shall be considered a qualified blind trust if—

(A) the supervising ethics office determines that the trust was a good faith effort to establish a blind trust;

(B) the previous trust instrument is amended or, if such trust instrument does not by its terms permit amendment, all parties to the trust instrument, including the reporting individual and the trustee, agree in writing that the trust shall be administered in accordance with the requirements of paragraph (3)(C) and a trustee is (or has been) appointed who meets the requirements of paragraph (3); and

(C) a copy of the trust instrument (except testamentary provisions), a list of the assets previously transferred to the trust by an interested party and the category of value of each such asset at the time it was placed in the trust, and a list of assets previously placed in the trust by an interested party which have been sold are filed and made available to the public as provided under paragraph (5) of this subsection.

(f) Political campaign funds, including campaign receipts and expenditures, need not be included in any report filed pursuant to this title.

FILING OF REPORTS; DUTIES OF CLERK AND SECRETARY

SEC. 103. (a) The reports required by section 101 of Representatives, Delegates to Congress, the Resident Commissioner from Puerto Rico, officers and employees of the House, candidates seeking election to the House, and officers and employees of the Architect of the Capitol, the Botanic Gardens, the Congressional Budget Office, the Government Printing Office, and the Library of Congress shall be filed with the Clerk.

(b) The reports required by section 101 of Senators, officers and employees of the Senate, candidates seeking election to the Senate, and officers and employees of the General Accounting Office, the Cost Accounting Standards Board, the Office of Technology Assessment, and the Office of the Attending Physician shall be filed with the Secretary.

(c) A copy of each report filed by a Member or an individual who is a candidate for the office of Member shall be sent by the Clerk or Secretary, as the case may be, to the appropriate State officer as designated in accordance with section 316(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 439(a)) of the State represented by the Member or in which the individual is a candidate, as the case may be, within the seven-day period beginning the day that the report is filed with the Clerk or Secretary.

(d)(1) A copy of each report filed under this title with the Clerk shall be sent by the Clerk to the designated committee of the House of Representatives within the seven-day period beginning the day that the report is filed.

(2) A copy of each report filed with the Secretary shall be sent by the Secretary to the designated committee of the Senate.

(e) In carrying out their responsibilities under this title, the Clerk and the Secretary shall avail themselves of the assistance of the Federal Election Commission. The Commission shall make available to the Clerk and the Secretary on a regular basis a complete list of names and addresses of all candidates registered with the Commission, and shall cooperate and coordinate its candidate information and notification program with the Clerk and the Secretary to the greatest extent possible.

(f) In order to carry out responsibilities under this title—

(1) the Clerk shall, after consultation with the designated committee of the House of Representatives, and

(2) the designated committee of the Senate shall

develop reporting forms and may promulgate rules and regulations.

ACCESSIBILITY OF REPORTS

SEC. 104. (a) Except as provided in the second sentence of this subsection, within fifteen calendar days after a report is filed with the Clerk under this title, the Clerk shall make such report available for public inspection at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public inspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Clerk to any person upon request.

(b) Except as provided in the second sentence of this subsection, within fifteen days after a report is filed with the Secretary under this itle, the Secretary shall make such report available for public inspecion at reasonable hours. With respect to reports required to be filed by May 15 of any year, such reports shall be made available for public nspection within fifteen calendar days after May 15 of such year. A copy of any such report shall be provided by the Secretary to any person upon request.

(c) Any person requesting a copy of a report may be required to pay a reasonable fee to cover the cost of reproduction or mailing of uch report, excluding any salary of any employee involved in such eproduction or mailing. A copy of such report may be furnished without charge or at a reduced charge if it is determined by the Clerk or Secretary that waiver or reduction of the fee is in the public interst because furnishing the information may be considered as primarily benefiting the public.

(d) Any report filed under this title with the Clerk or Secretary hall be available to the public for a period of six years after receipt of the report. After such six-year period the report shall be destroyed unless needed in an ongoing investigation, except that in the case of an individual who filed the report pursuant to section 101(d) and was not subsequently elected, such reports shall be destroyed one year after the individual is no longer a candidate for election to the office of Member unless needed in an ongoing investigation.

(e)(1) It shall be unlawful for any person to obtain or use a eport—

(A) for any unlawful purpose;

(B) for any commercial purpose other than by news and communications media for dissemination to the general public;

(C) for determining or establishing the credit rating of any individual; or

(D) for use, directly or indirectly, in the solicitation of money for any political, charitable, or other purpose.

(2) The Attorney General may bring a civil action against any person who obtains or uses a report for any purpose prohibited in paragraph (1). The court in which such action is brought may assess gainst such person a penalty in any amount not to exceed $5,000. Such remedy shall be in addition to any other remedy available under tatutory or common law.

REVIEW AND COMPLIANCE PROCEDURES

SEC. 105. (a) The designated committee of the House of Repreentatives and the designated committee of the Senate shall establish procedures for the review of reports sent to them under section 103 d)(1) and section 103(d)(2) to determine whether the reports are iled in a timely manner, are complete, and are in proper form. In the vent a determination is made that a report is not so filed, the appropriate committee shall so inform the reporting individual and direct him to take all necessary corrective action.

(b) In order to carry out their responsibilities under this title the designated committee of the House of Representatives and the designated committee of the Senate, have power, within their respective jurisdictions, to render any advisory opinion interpreting this title, in writing, persons covered by this title. Notwithstanding any other provisions of law, the individual to whom a public advisory opinion is rendered in accordance with this subsection, and any other individual covered by this title who is involved in a fact situation which is indistinguishable in all material aspects, and who, after the issuance of the advisory opinion, acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of such act, be subject to any sanction provided in this title.

FAILURE TO FILE OR FALSIFYING REPORTS

SEC. 106. The Attorney General may bring a civil action in any appropriate United States district court against any individual who knowingly and willfully falsifies or who knowingly and willfully fails to file or report any information that such individual is required to report pursuant to section 102. The court in which such action is brought may assess against such individual a civil penalty in any amount not to exceed $5,000. No action may be brought under this section against any individual with respect to a report filed by such individual in calendar year 1978 pursuant to section 101(d).

DEFINITIONS

SEC. 107. For the purposes of this title, the term—

(1) "income" means all income from whatever source derived, including but not limited to the following items: compensation for services, including fees, commissions, and similar items; net and gross income derived from business; gains derived from dealings in property; interest; rents; royalties; dividends; annuities; income from life insurance and endowment contracts; pensions; income from discharge of indebtedness; distributive share of partnership income; and income from an interest in an estate or trust;

(2) "relative" means an individual who is related to the reporting individual, as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, or who is the grandfather or grandmother of the spouse of the reporting individual, and shall be deemed to include the fiance or fiancee of the reporting individual;

(3) "gift" means a payment, advance, forbearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received by the donor, but does not include—

(A) bequest and other forms of inheritance;

(B) suitable mementos of a function honoring the reporting individual;

(C) food, lodging, transportation, and entertainment provided by State and local governments, or political subdivisions thereof, by a foreign government within a foreign country, or by the United States Government;

(D) food and beverages consumed at banquets, receptions, or similar events;

(E) consumable products provided by home-State businesses to a Member's office for distribution; or

(F) communications to the offices of a reporting individual including subscriptions to newspaper and periodicals;

(4) "honoraria" has the meaning given such term in the Federal Election Campaign Act of 1971;

(5) "value" means a good faith estimate of the dollar value if the exact value is neither known nor easily obtainable by the reporting individual;

(6) "personal hospitality of any individual" means hospitality extended from a nonbusiness purpose by an individual, not a corporation or organization, at the personal residence of that individual or his family or on property or facilities owned by that individual or his family;

(7) "dependent child" means, when used with respect to any reporting individual, any individual who is a son, daughter, stepson, or stepdaughter and who—

(A) is unmarried and under age 21 and is living in the household of such reporting individual; or

(B) is a dependent of such reporting individual within the meaning of section 152 of the Internal Revenue Code of 1954;

(8) "reimbursement" means any payment or other thing of value received by the reporting individual, other than gifts, to cover travel-related expenses of such individual other than those which are—

(A) provided by the United States Government, the District of Columbia, or any State or political subdivision thereof;

(B) required to be reported by the reporting individual under section 7342 of title 5, United States Code; or

(C) required to be reported under section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434);

(9) "candidate" means an individual, other than a Member, who seeks nomination for election, or election, to the Congress whether or not such individual is elected, and for purposes of this paragraph, an individual shall be deemed to seek nomination for election, or election, (A) if he has taken the action necessary under the law of a State to qualify himself for nomination for election, or election, or (B) if he or his principal campaign committee has taken action to register or file campaign reports required by section 304(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a));

(10) "Clerk" means the Clerk of the House of Representatives;

(11) "Secretary" means the Secretary of the Senate;

(12) "Member" means a United States Senator, a Representative in Congress, a Delegate to Congress, or the Resident Commissioner from Puerto Rico;

(13) "election" means (A) a general, special, primary, or runoff election, or (B) a convention or caucus of a political party which has authority to nominate a candidate;

(14) "officer or employee of the House" means any individual, other than a Member, whose compensation is disbursed by the Clerk;

(15) "officer or employee of the Senate" means an individual, other than a Senator or the Vice President, whose compensation is disbursed by the Secretary; and

(16) "designated committee of the House of Representatives and designated committee of the Senate" means the committee of the House or Senate, as the case may be, assigned responsibility for administering the reporting requirements of this title.

OTHER LAWS

SEC. 108. The provisions added by this title, and the regulations issued thereunder, shall supersede and preempt any State or local law with respect to financial disclosure by reason of candidacy for Federal office or employment by the United States Government.

APPENDIX 11

ESTABLISHMENT OF SELECT COMMITTEE ON ETHICS

[H. RES. 383, 95th Cong., 1st sess.]

[Report No. 95-61]

RESOLUTION

Resolved, That there is established in the House of Representatives a select committee to be known as the Select Committee on Ethics (hereinafter referred to as the "select committee").

SEC. 2. (a) The select committee shall consider and may report to the House on any bills or resolutions which may include provisions incorporating and integrating into permanent law applicable provisions and appropriate modifications of rule XLIII, rule XLIV, rule XLV, rule XLVI, and rule XLVII of the Rules of the House of Representatives, and which may hereafter be referred to the select committee by the Speaker. The select committee shall have exclusive jurisdiction over the bills and resolutions referred to it.

(b) The select committee shall have jurisdiction to adopt regulations, and may issue advisory opinions, respecting the application of ule XLIII, rule XLIV, rule XLV, rule XLVI, and rule XLVII of he Rules of the House of Representatives.

Sec. 3. (a) The select committee shall be composed of nineteen Members of the House, who shall be appoined by the Speaker, one of whom he shall designate as chairman.

(b) Any vacancy occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(c) For purposes of this section, the term "Member" means a rep- esentative in, or Delegate or Resident Commissioner to, the House f Representatives.

Sec. 4. (a) Insofar as applicable, the provisions of rule XI, clauses , 2, and 3, shall apply to the select committee.

(b) Any bills or resolutions and accompanying reports of the select ommittee shall be subject to the Rules of the House of Representa- ives in the same manner as though reported from a standing committee of the House.

(c) The select committee may utilize the services of the staffs of ommittees and commissions of the House.

Sec. 5. Subject to the adoption of expense resolution as required y clause 5 of rule XI of the Rules of the House of Representatives, he select committee may incur expenses in connection with its duties nder section 2 of this resolution.

Sec. 6. (a) The authority of the select committee to report bills nd resolutions referred to it shall expire on September 30, 1977.

(b) Not later than December 1, 1977, the select committee shall dopt regulations described in section 2(b) of this resolution.

Sec. 7. The select committee shall expire on December 31, 1977, and s records, files, and material shall be transferred to the Committee n Standards of Official Conduct.

Appendix 12

Extension of Select Committee on Ethics

[H. Res. 871, 95th Cong., 1st Sess.]

RESOLUTION

Resolved, That, notwithstanding the provisions of H. Res. 383, inety-fifth Congress, adopted March 9, 1977, the Select Committee n Ethics (hereinafter in this resolution referred to as the "select ommittee") shall expire upon the completion of its official business. he records, files, and material of the select committee shall be trans- erred to the Committee on Standards of Official Conduct upon such xpiration.

Sec. 2. The authority of the select committee to report bills and esolutions referred to it, and the authority of the select committee to dopt regulations and issue advisory opinions, shall remain in effect ntil the expiration of the select committee under this resolution.

APPENDIX 13

ADVISORY OPINION No. 1

SUBJECT

Effective date of House Rule XLVI, clause 4, prohibiting use of private funds to pay for the cost of preparing and printing mass mailings.

BACKGROUND

House Rule XLVI, clause 4, as adopted by the House on March 2, 1977, provides as follows:

> Any mass mailing which otherwise is frankable by a Member under the provisions of section 3210(e) of Title 39, U.S. Code, shall not be frankable unless the cost of preparing and printing such mass mailing is defrayed exclusively from funds made available in any appropriations Act.

The Commission on Administrative Review, in its report on Financial Ethics (H. Doc. 95–73, February 14, 1977, p. 19) recommended that this restriction on mass mailings take effect January 1, 1978. However, the provision as contained in Title IV of H. Res. 287 inadvertently omitted reference to an effective date. Consequently, during House consideration of H. Res. 287 on March 2, 1977, a colloquy between Mr. Obey and Mr. Frenzel affirmed that the Commission on Administrative Review had intended that clause 4 of Rule XLVI take effect on January 1, 1978 (see Congressional Record, March 2, 1977, p. H1622), and that this was the intent of H. Res. 287.

REASON FOR ISSUANCE

Clause 4 of House Rule XLVI is silent as to an effective date, and thus may be deemed to have taken effect upon adoption, notwithstanding legislative history to the contrary. In order to clarify the situation and to assure Members that they may continue to use private funds to prepare and print mass mailings sent under the frank until January 1, 1978, the Select Committee issues this advisory opinion.

OPINION

Members may continue to use private funds to prepare and print mass mailings sent under the frank until January 1, 1978.

APPENDIX 14

ADVISORY OPINION No. 2

SUBJECT

Applicability of House Rule XLIII, clause 4, to reimbursement or payment of necessary expenses associated with a conference, meeting, or other similar event in which a Member, officer, or employee of the House participates.

REASON FOR ISSUANCE

Members have raised a number of questions concerning the definition and application of the gifts provisions as set forth in House Rule XLIII, clause 4. An advisory opinion has been requested as to whether the reimbursement or receipt of expenses connected with events in which a Member, officer, or employee participates constitutes a gift.

BACKGROUND

House Rule XLIII, clause 4, establishes, in effect, that Members, officers, or employees of the House shall not accept gifts in any calendar year aggregating $100 or more in value, directly or indirectly, from any individual, organization, or corporation with a direct interest in legislation before the Congress, or from a foreign national.

In most cases, an individual's expenses for a meeting or conference, including transportation, food, and lodging, would exceed the aggregate figure of $100. Additionally, many sponsoring organizations, domestic or foreign, would have an interest in legislation before the Congress. However, necessary expenses should not be considered to be a "gift" to a participating individual who renders personal services sufficient to constitute "equal consideration" for the expenses provided by the sponsoring organization. Conversely, it should be noted that the services rendered must be more than perfunctory in nature to constitute equal consideration for the expenses involved. For example, addressing an audience at an event or engaging in discussion seminars would be considered substantial participation sufficient to constitute "equal consideration," while simply visiting a specific site or location as part of a "fact-finding tour" would probably not be viewed as "equal consideration" for expenses paid by a sponsoring organization.

A similar philosophy of exempting expenses for participation in an event is recognized in clause 3 of House Rule XLVII, which excludes travel, lodging, and meals from calculation of the honorarium paid for a speech or appearance.

A separate question surrounds the reimbursement or payment of similar expenses for the spouse of a Member, officer, or employee. If a sponsoring organization pays the spouse's expenses to attend an event in which the Member participates, would those expenses constitute a gift to the Member under clause 4 of Rule XLIII? Rule XLIII does not specifically address this question. But as a matter of precedent, Federal Election Commission regulations exclude payment of expenses for a spouse as a portion of the honorarium received by a Member, officer, or employee. As a matter of policy, the ability of the spouse to accompany a Member to such events has many positive benefits. If House Rules are interpreted so as to prevent reimbursement of a spouse's travel, food, and lodging expenses, the incentive for Members to participate in meaningful programs will be diminished.

SUMMARY OPINION

A Member, officer, or employee of the House (and the individual's spouse or another family member) may be paid or reimbursed for transportation, food, and lodging expenses when such expenses are directly associated with a conference, meeting, or similar event in which the Member, officer, or employee substantially participates. Such reimbursements or payments aggregating $250 or more from one source would be disclosed in accordance with the provisions of section 102(2)(C) or the Ethics in Government Act (PL 95–521).

Appendix 15

Advisory Opinion No. 3

SUBJECT

Applicability of House Rule XLIII, clause 4, to acceptance of free transportation provided by air carriers on inaugural flights.

REASON FOR ISSUANCE

The Select Committee has been requested to issue an advisory opinion on the propriety of Members, officers, or employees of the House of Representatives accepting free transportation provided by air carriers on inaugural flights.

BACKGROUND

Commercial air carriers are authorized, under federal regulations (18 CFR 223.8 and 399.38) and with the approval of the Civil Aeronautics Board, to provide free transportation on "inaugural flights" to invited guests when a new route or new equipment is introduced. Traditionally, the air carriers invite Members and employees of the House of Representatives, as well as officials of the Executive Branch, on such inugural flights.

The applicable House Rule in this situation is Rule XLIII, clause 4, which provides, in effect, that a Member, officer, or employee of the House of Representatives shall not accept gifts in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress, or from a foreign national.

The air carriers are subject to federal regulation, and thus are deemed to have a direct interest in legislation before the Congress. The question to be determined is whether an inaugural flight constitutes a gift.

In the case of inaugural flights, the Member, officer, or employee of the House does not appear to render any services of equal consideration to the value of the flight, and therefore an inaugural flight would appear to constitute a gift to the Member, officer, or employee. If the value of the transportation provided on an inaugural flight exceeds $100, and the Committee assumes that such would be the case in every instance, acceptance of such a gift would be prohibited under Rule XLIII, clause 4.

The Committee recognizes that the definition of the term "gift" for purposes of Rule XLIII, clause 4, might not include some situation where a trip or event is primarily intended for educational purposes and is directly related to a Member's or officer's or employee's official duties. However, the Committee finds that inaugural flights as traditionally defined, do not have sufficient educational value to exclude them from the definition of a gift for purposes of the intent of Rule XLIII, clause 4.

SUMMARY OPINION

Acceptance of free transportation provided by air carriers on inaugural flights is prohibited under House Rule XLIII, clause 4.

APPENDIX 16

ADVISORY OPINION No. 4

SUBJECT

Under House Rules, may a Member of the House or the spouse of a Member solicit cash gifts of less than $100 for personal use through a direct mass mailing?

REASON FOR ISSUANCE

A Member of the House has requested an advisory opinion as to whether his proposal to solicit gifts of less than $100 for personal use would be in violation of House Rule XLIII.

BACKGROUND

Rule XLIII, clause 4, prohibits acceptance of gifts aggregating over $100 from "persons" having a direct interest in legislation before the Congress. Since the proposal would solicit only gifts of less than $100, it would not be in violation of clause 4.

However, Rule XLIII, clause 7, appears to have direct application to the proposed plan to solicit gifts. Before March 3, 1977, Rule XLIII, clause 7, read as follows:

> A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events if the sponsors of such affairs do not give clear notice in advance to the donors or participants that the proceeds are intended for other purposes.

This provision was designed to deal with situations in which donations were given to Members under the mistaken notion that they were to be used for campaign purposes when, in fact, they were treated as personal gifts. Hence, language was adopted which specified that unless advance notice was given, proceeds from fund-raising events could not be converted to personal use.

The House Commission on Administrative Review recommended that proceeds from testimonial dinners and other fund-raising events should not be allowed to be converted to personal use under any circumstances. Effective March 3, 1977, H. Res. 287 amended clause 7 to read simply:

> A Member of the House of Representatives shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events.

In a technical sense, then, the propriety of the proposal turns on t
interpretation of a "fund-raising event." There was no legislative h
tory defining the term fund-raising event when Rule XLIII w
adopted in 1968.

But in view of the widespread use of mass mailings to raise fun
(direct mail solicitation has become a principal fund-raising tec
nique since 1968), it would appear that the proposal under consider
tion constitutes a fund-raising event. In the age of computerized ma
mailings, it is unnecessary for people to gather together in a comm
place on a particular date to constitute a "fund-raising event."

Additionally, Rule XLIII, clause 2, would appear to have app
cability in this case. The provision states:

> A Member, officer, or employee of the House of Representatives shall adhere to the spirit and letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof.

A major thrust of the provisions contained in the new House Rul
adopted March 2, 1977, was to severely limit the potential for Membe
to "cash in" on their positions of influence for personal gain. Ther
fore, a limitation on outside earned income was proposed and adopte
A proposal to abolish unofficial office accounts was offered and adopte
A proposal to prohibit the conversion of political funds to personal u
was adopted. And the proposal discussed above to treat all procee
from fund-raising events as campaign contributions was also adopte
Therefore, it would appear that a proposal to solicit funds for pe
sonal use would be contrary to the "spirit" of the House Rules adopte
pursuant to H. Res. 287.

The final question concerns the propriety of a spouse raising fun
through mass mail solicitation for the benefit of the Member. Whi
the Select Committee recognizes the basic independence of the spous
the spouse under these circumstances would be acting essentially o
behalf of the Member. Thus, the Member would be conducting ind
rectly the very activities he would be prohibited from engaging i
directly.

Consequently, the mass mail solicitation of funds by a spouse for
Member's use also appears to violate the "spirit" of House Rules.

SUMMARY OPINION

A direct mail solicitation by a Member of the House or the spouse o
a Member constitutes a "fund-raising event" for purposes of Hous
Rule XLIII, clause 7. Proceeds from a "fund-raising event" for
Member of the House must be treated as "campaign contributions" an
cannot be converted to personal use by the Member. Therefore, an
such attempt to raise funds for personal use through a mass mailin
would be in violation of House Rule XLIII, clause 7. Additionally
any such activity would appear to be contrary to the spirit of Hous
Rules and, therefore, in violation of House Rule XLIII, clause 2.

APPENDIX 17

ADVISORY OPINION NO. 5

SUBJECT

Use of campaign funds to pay for official expenses incurred prior to March 3, 1977.

REASON FOR ISSUANCE

The Select Committee has received several inquiries regarding the use of campaign funds to pay for official expenses incurred prior to the effective date of House Rule XLIII, clause 6, and Rule XLV.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 6, as amended on March 2, 1977, restricts the use of campaign funds to bona fide campaign purposes. House Rule XLV, also adopted on March 2, 1977, prohibits the acceptance of private contributions to defray ordinary and necessary expenses incurred in the operation of a congressional office. Both Rules changes became effective upon adoption.

Some Members committed excess campaign funds to pay for official expenses incurred on or before March 3, 1977, the effective date of the new Rules, but have not actually expended their campaign funds to pay those debts. In such cases, the campaign funds were contributed prior to the Rules changes and the expenses were incurred before the adoption of the new Rules.

The amendment to Rule XLIII, clause 6, and new Rule XLV were not intended to have an ex post facto effect. Therefore, the Select Committee finds that use of campaign funds contributed prior to the Rules changes to pay for official expenses incurred prior to March 3 is permissible under the Rules.

House Rule XLV clearly prohibits Members who have incurred official expenses either before or after March 3 from raising private funds subsequent to the effective date of the Rules course, to pay for campaign or political expenses incurred before or after March 3.

SUMMARY OPINION

Members who incurred official expenses prior to March 3, 1977, the effective date of new Rule XLIII, clause 6, and Rule XLV, may use campaign funds available on or before that date to pay those official expenses. The payment of obligations incurred prior to the effective date of the new Rules would be limited to the liability accrued up to March 3. Campaign funds raised after March 3, 1977 may not be used to pay for official expenses incurred before or after the effective date of the new Rules.

APPENDIX 18

ADVISORY OPINION NO. 6

SUBJECT

Acceptance of in-kind services for official purposes.

REASON FOR ISSUANCE

The Select Committee has been asked whether House Rule XLV, which prohibits unofficial office accounts, extends to private contributions of *in-kind* services for official purposes.

BACKGROUND AND DISCUSSION

House Rule XLV provides that no funds may be paid into any unofficial office account subsequent to March 2, 1977, and that such accounts must be abolished by January 3, 1978. The definition of an unofficial office account included in the new Rule focuses on the most common form, i.e., a privately subsidized account used to supplement official allowances.

The legislative history of Rule XLV refers to an unofficial office account as a fund, repository, or process whereby funds are received or expended. The reasons for adopting new Rule XLV, as presented in the Financial Ethics report of the Commission on Administrative Review (H. Doc. 95–73, February 14, 1977), emphasize that eliminating private support of the public's business should be the primary objective of a new Rule:

> The Commission strongly believes that private funds should be used only for politically-related purposes. Official allowances should reflect the necessary cost of official expenses. . . . To suggest otherwise would be to accept or condone the continuation of the present system [of unofficial office accounts] which, at the very least, allows for the appearance of impropriety, and, at worst, creates a climate for potential "influence peddling" through private financing of the official expenses of Members of Congress.

Although it is clear that acceptance of monetary contributions to sustain such accounts was perceived as conduct to be prohibited by the new Rule, questions have been raised concerning the application of Rule XLV to acceptance of certain in-kind services (e.g., office supplies and equipment, district office space, etc.) and whether such items will be treated differently than monetary contributions for purposes of the Rule XLV prohibition.

The Select Committee finds that no distinction can be made between in-kind and monetary contributions. Whether the private support alluded to in the Commission's report is in the form of a monetary contribution or in the form of an in-kind service is not relevant in view of the intended prohibition against the private financing of official business. Moreover, it can hardly be argued that donation of in-kind services is any less an infusion of private support for official business than is the donation of money.

At least two precedents for treating in-kind services as monetary contributions are found in regulations promulgated by the Federal Election Commission (FEC) and the Internal Revenue Service (IRS). Those regulations require the inclusion of in-kind donations as contributions to unofficial office accounts, thus confirming the Select Committee's understanding that money and in-kind contributions should be treated the same.

The FEC defines an "office account" (unofficial office account) as "an account established for the purpose of supporting the activities of a Federal or State officeholder which contains excess campaign funds . . ." (11 CFR 113.1b). Such excess campaign funds include contributions of "anything of value." Therefore, according to the FEC definition, unofficial office accounts may encompass in-kind services or resources.

Similarly, the IRS considers the donation of in-kind resources as a "contribution," applying the criterion of "anything of value." The IRS treats the contribution of in-kind services or resources used for official purposes as personal income to the Member, just as it treats contributions to unofficial office accounts.

In sum, the Select Committee finds that for purposes of applying Rule XLV, no logical distinction can be drawn between the private contribution of in-kind services and the private contribution of money, and that both perpetuate the very kind of unofficial office accounts and practices that are prohibited by House Rule XLV.

Equally clear, however, is that various in-kind services and functions provided by federal, state and local government agencies do not fall in the same category as private donations of money or in-kind services. Thus, the provision of office space or rooms for constituent meetings, etc., by a state or local government would not be predicted by application of this Rule. Of course, the occasional use of privately-owned meeting space where no other appropriate public accommodations are reasonably available for meeting constituents does not fall within the proscriptions of the new Rule.

Additionally, application of the Rule would not prohibit a Member from continued participation with various educational intern, fellowship or volunteer programs. Members have long recognized that there is an inherent educational and professional benefit in interns, fellows, and volunteers viewing first hand the Legislative Branch of government, and that there are compelling public policy considerations for encouraging such programs. There is nothing in the legislative history that suggests an intent to discontinue these programs, nor has there surfaced any evidence of abuses resulting from the infusion of private money into public business causing conflict of interest or other situations intended by Congress to be prohibited by the new Rule. The Select Committee believes these programs are of primary benefit to the persons involved and notes that interns, fellows, and volunteers are not on the payroll of the House, no rare they considered to be employees of the House of Representatives. Therefore, this interpretation of Rule XLV does not apply to intern programs, provided the internships are primarily for educational purposes and do not give undue advantage to special interest groups or others with a direct interest in legislation.

However, it is clear that a Member would be violating the intent and the spirit of House Rule XLV if he attempted to supplement his official allowance by raising, receiving, or disbursing contributions to hire or support interns in his office. Therefore, it follows that a Member and his staff are prohibited from personally raising, receiving, or disbursing contributions used to support an educational intern, fellowship, or volunteer program. This holding represents the only effective method for restricting the potential to collect and maintain, directly or indirectly, unofficial funds for supplementing staff assistance and the officially provided clerk-hire allowance.

SUMMARY OPINION

For purposes of House Rule XLV, the private contribution of in-kind services for official purposes is prohibited. However, Rule XLV does not apply to services provided by federal, state and local government agencies or to the occasional use of privately-owned meeting space where no public accommodations are reasonably available for meeting with constituents. Nor does Rule XLV apply to interns or volunteers in a Member's office, based on the understanding that such intern programs are primarily of educational benefit to the intern and do not give undue advantage to special interest groups. However, Members and their staffs may not personally raise, receive or disburse any private contributions for intern programs associated with their offices.

APPENDIX 19

ADVISORY OPINION No. 7

SUBJECT

Definition of a gift for purposes of House Rule XLIII, clause 4.

REASON FOR ISSUANCE

The Select Committee has received a number of inquiries concerning the definition of the word "gift" and application of the provisions of House Rule XLIII, clause 4 pertaining to acceptance of gifts.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 4 was amended in March 1977, to provide that "a Member, officer, or employee of the House shall not accept gifts in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress, or from a foreign national." Specifically exempted from this provision are: (1) gifts from relatives; (2) gifts valued at $35 or less; and (3) gifts of personal hospitality of an individual.

The Commission on Administrative Review, in its report on Financial Ethics (H. Doc. 95-73, February 14, 1977) recommending the Rules changes that were enacted by the House, specified that bequests and other forms of inheritance should not be considered gifts for purposes of the new Rule, and explained personal hospitality to mean "hospitality extended for a non-business purpose by an individual, not a corporation or organization, on property or facilities owned by that individual or his family." Additionally, it is understood that loans and campaign contributions are not considered to be gifts.

Other than the exemptions specified in the Rule and the legislative history, there is no precise definition of what constitutes a gift for purposes of Rule XLIII, clause 4. The House recognized the likelihood that Members, officers and employees would need guidance on the definition of terms used in the new House Rules, and therefore passed H. Res. 383 which authorized the Select Committee to issue advisory opinions providing such guidance and interpretation respecting the application of the Rules.

The Select Committee begins with the proposition that the basic legal definition of a gift should be used in applying the provisions of Rule XLIII, clause 4, as follows:

> A payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received by the donor.

This definition is implicit, for example, in the Select Committee's Advisory Opinion #2, which states that necessary expenses provided a Member in connection with an event in which he "substantially participates," i.e., renders consideration of equal value, do not constitute a gift.

The Select Committee finds that there are certain categories of gifts that were never intended to be covered under the Rule XLIII, clause 4 limitations on acceptance of gifts. These are items that do not present potential conflicts of interest or are related to a Member's official duties. For these reasons, Rule XLIII, clause 4 is not applicable to the following categories of gifts:

Food, lodging, transportation, and entertainment provided on an official basis by federal, state, and local governments and political subdivisions thereof. Members, officers, and employees are frequently invited to various functions paid for or sponsored by such government agencies. It was not the intent of the gifts limitation to prohibit Members, officers and employees from participating in such events. Even if the individual is not fully participating, but is simply present, for example, at a groundbreaking ceremony or a banquet honoring newly-elected officials, it would serve no purpose to preclude such activities.

Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country. The Foreign Gifts and Decorations Act was amended by PL 95-105 to give the consent of Congress to acceptance of gifts of travel or expenses for travel provided by a foreign government for travel taking place entirely outside the United States. Any such gifts of travel expenses must be disclosed to the Committee on Standards of Official Conduct within thirty days after departure from the donor country. Since such gifts from a foreign government are subject to these statutory requirements, they are exempted from the prohibitions of Rule XLIII.

Communications to a Member's offices in Washington, D.C. and his district, including subscriptions to newspapers, magazines, and periodicals. Members are traditionally provided free subscriptions to weekly news magazines, newspapers, interest group journals, and other publications which are useful as information sources or reference tools in the conduct of the Member's official duties. In many cases, these publications are provided by organizations with a direct interest in legislation and could exceed $100 in value in a calendar year, particularly if postage is added (e.g., local newspapers). It would be inappropriate and contrary to the public interest to prohibit Members from receiving these materials and might impinge on the rights of citizens to communicate with their Representative. The Select Committee emphasizes that this finding applies primarily to free subscriptions to publications, and not to individual items of considerable value, such as a set of encyclopedias or rare books.

Bona fide awards presented in recognition of public service and available to the general public. A Member, officer, or employee should be permitted to accept an award valued at more than $100 from an organization so long as the award is not contrived for one special occasion and is available to the general public.

A suitable memento of a function held in honor of the Member, officer, or employee. A Member, officer, or employee should be permitted to accept a suitable memento of reasonable value. However, the Committee emphasizes that a "suitable memento" would not include items such as cash, a television set, or automobile.

Consumable products provided by home-state businesses to a Member's office but which are primarily intended for consumption by persons other than the Member and his staff. Members have traditionally received gifts of consumable items (e.g., cigarettes, peanuts, etc.) from businesses in their home states. These consumable products are usually passed on to constituents and other visitors to the office and are therefore not considered by the Committee to be gifts to the Member or his staff. This applies only to gifts of consumable items, and only when such items are consumed primarily by persons other than the Member and his staff.

Food and beverages consumed at banquets, receptions, or similar events. This exemption does not apply to dinners for small groups at restaurants or other such private affairs.

SUMMARY OPINION

For purposes of Rule XLIII, clause 4, a gift is defined as follows:

> A payment, subscription, advance, forbearance, rendering, or deposit of money, services, or anything of value, including food, lodging, transportation, or entertainment, and reimbursement for other than necessary expenses, unless consideration of equal or greater value is received by the donor.

The Select Committee finds, based on the language of new Rule XLIII, clause 4, the Rule's legislative history, the absence of conflic of interest issues, and/or public policy considerations, that the following items are not gifts for purposes of Rule XLIII, clause 4:

(1) Bequests and other forms of inheritance;

(2) Loans made in a commercially reasonable manner (including requirements that the loan be repaid and that a reasonable rate of interest be paid);

(3) Political contributions as defined by the Federal Election Commission and otherwise reported as required by law;

(4) Food, lodging, transportation, and entertainment provided on an official basis by federal, state, and local governments or political subdivisions thereof;

(5) Food, lodging, transportation, and entertainment provided by a foreign government within a foreign country.

(6) Communications to a Member's offices in Washington and his district, including subscriptions to newspapers, magazines, and other periodicals.

(7) Bona fide awards presented in recognition of public service and available to the general public;

(8) Suitable mementos of a function honoring the Member, officer, or employee.

(9) Consumable products provided by home-state businesses to a Member's office that are primarily intended for consumption by persons other than the Member and his staff.

(10) Food and beverages consumed at banquets, receptions, or similar events.

APPENDIX 20

ADVISORY OPINION NO. 8

SUBJECT

Applicability of House Rule XLIII, clause 4 to acceptance of necessary expenses paid by an organization in connection with a fact-finding event which is directly related to the official duties of a Member, officer, or employee.

REASON FOR ISSUANCE

The Select Committee has received numerous inquiries concerning whether a Member, officer, or employee may accept payment or reimbursement for necessary expenses from an organization sponsoring a fact-finding event.

BACKGROUND

Members, officers, and employees of the House of Representatives are often invited by independent foundations, corporations, unions and other non-governmental organizations, both foreign and domestic, to attend a "fact-finding" event which is intended for educational purposes directly related to their official duties.

For example, an oil company may sponsor an inspection tour of its offshore oil drilling platform, or a lumber company may arrange a demonstration of new logging methods in a remote area. Similarly, a foreign foundation may invite Members and employees to attend an educational program designed to promote better understanding and improve U.S. relations with that country.

The applicable House Rule regarding fact-finding events is Rule XLIII, clause 4, which provides that a Member, officer or employee shall not accept gifts[1] in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress, or from a foreign national. In many instances, the sponsoring organization of a fact-finding tour or similar activity would be deemed to have a direct interest in legislation before the Congress, and the travel expenses provided by the organization would alone exceed $100.

DISCUSSION

Although there has been some criticism regarding abuses of "fact-finding tours" in the past, the Select Committee finds that it would be contrary to the public interest and the intent of Rule XLIII to prohibit Members, officers, and employees from attending fact-finding events or activities which have a legitimate purpose directly related to the official duties of the Congress. The Committee also notes the precedent in current law (22 U.S.C. 2451–2) which allows federal employees to accept travel expenses paid by foreign governments in connection with a trip which is for an educational or cultural purpose and is so certified by the State Department.

Therefore, the Select Committee holds that *necessary expenses* paid by an organization sponsoring a fact-finding event are exempted from the limitations of Rule XLIII, clause 4, provided that the fact-finding event or activity is directly related to the official duties of the Member, officer, or employee. Any such reimbursement or payment of travel expenses aggregating over $250 in value from one source would be subject to disclosure under the requirements of the Ethics in Government Act (PL 95–521). This public disclosure will guard against the potential abuse of converting this kind of activity from an official business purpose to that of personal pleasure or entertainment. Gifts of that nature exceeding $100 in value were clearly intended to be prohibited by Rule XLIII, clause 4.

This exemption also applies to necessary expenses for the spouse of a Member, officer, or employee in the case of foreign travel. The Committee recognizes that the ability of a spouse to accompany a Member on a foreign trip is often a matter of protocol and therefore has diplomatic value. However, the Committee does not believe that there would be many instances in which the presence of the spouse would be necessary or appropriate in the case of domestic fact-finding events.

The Committee notes that the phrase "fact-finding event or activity" does not apply to situations where expenses are provided in consideration of personal services rendered. In those cases where the purpose of a Member's trip is to provide such services as delivering a major speech to a convention, necessary expenses are not considered to be a gift (see Advisory Opinion #2, issued April 6, 1977). In comparison, although a Member of Congress may render some personal services in the course of a fact-finding event, the primary purpose of the trip is for the Members, officers, or employees to become better informed regarding subject matters closely related to their official duties.

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[1] In Advisory Opinion No. 7, the Committee held that Rule XLIII, clause 4 does not apply to travel expenses provided on an official basis by federal, state or local governments, or provided by a foreign government within a foreign country.

Additionally, the Select Committee emphasizes that the definition of a "fact-finding event" must be interpreted narrowly. House Rule XLIII, clause 2 puts Members on notice that not only the "letter" but also the "spirit" of House Rules must be adhered to. Therefore, since Members are already provided travel expenses to and from their own districts, a Member should not accept free transportation on a corporate jet or commercial flight from Washington to his district, on grounds that he would "tour" the corporate facilities there. Neither would the exemption apply, for example, to travel expenses provided by representatives of the maritime industry to attend a ship-launching.

The intended definition of a fact-finding event would also not extend to expenses incurred during such an event which are unrelated to the specific fact-finding activity. For example, if a Member spends two days attending an educational event in a foreign country and then spends several more days touring that country at his leisure, the expenses associated with the sight-seeing tour would not be exempted from the Rule. Similarly, this exemption for fact-finding activities applies only to *necessary expenses* (transportation, food, and lodging) and not to entertainment. Thus, a Member of Congress, whether traveling on a fact-finding tour or under any circumstances, may not accept gifts of entertainment from groups with a direct interest in legislation beyond the $100 limit imposed by Rule XLIII.

The Committee also emphasizes that to qualify for the exemption, the fact-finding event or activity must bear a direct relationship to official duties. The responsibility will rest with the Member, officer, or employee to determine whether the particular event or activity is intended for fact-finding purposes directly related to his official duties.

SUMMARY OPINION

A Member, officer, or employee of the House (and the individual's spouse in the case of foreign travel) may be paid or reimbursed for transportation, food, and lodging expenses provided by the sponsor of a fact-finding event or activity which is directly related to official duties. Such reimbursements or payments aggregating $250 or more in value from one source would be disclosed in accordance with the provisions of section 102(2)(C) of the Ethics in Government Act (PL 95-521).

The Committee emphasizes that this holding has no bearing on any constitutional or statutory prohibition regarding acceptance of gifts from foreign governments or their representatives.

Appendix 21

Advisory Opinion No. 9

SUBJECT

Definition of an indirect gift for purposes of House Rule XLIII, clause 4.

REASON FOR ISSUANCE

The Select Committee has received a number of requests for an advisory opinion interpreting what constitutes an "indirect gift" to a Member, officer, or employee for purposes of applying the new gifts provision in House Rules.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 4 provides that a Member, officer, or employee shall not accept gifts in any calendar year aggregating $100 or more in value, directly or indirectly, from any party with a direct interest in legislation before the Congress.

The word "indirectly" has principal reference to gifts to the spouse or dependent of a Member, officer, or employee of the House of Representatives.[1] For example, if a Member would be personally barred from receiving a color television set from a registered lobbyist, obviously it would not be appropriate for the Member's spouse or dependents to receive such a gift. Therefore, as a general rule, gifts received by the spouse or dependent of a Member, officer, or employee of the House from a party with a direct interest in legislation before the Congress would be considered to be indirect gifts to the Member, officer, or employee. Failure to so apply the gifts provision to spouses and dependents could cause the intent of the Rule to be easily defeated. The issue is not simply one of preventing circumvention of the gifts provision, but also a common sense recognition that assets and holdings of a spouse and dependents are generally considered to be shared by the partner, i.e., the Member, officer, or employee. However, in finding that the gifts to a spouse or dependent generally constitute an indirect gift to a Member, officer, or employee because of the nature of the relationship involved, the Select Committee is well aware that where a truly independent status is identified, considerations of privacy and equal rights should be controlling.

Therefore, the following guidelines are set forth by the Select Committee to clarify when gifts to spouses and dependents would not be considered as indirect gifts to the Member, officer, or employee of the House for purposes of Rule XLIII, clause 4.

A spouse or dependent may frequently receive a gift from an employer or another person which is prompted by recognition of their services, friendship, or some other consideration unrelated to the official responsibilities of the Member, officer, or employee. When it is clear that such gifts are truly independent of the Member, officer, or employee and would have been offered regardless of the donee's relation to that person, such gifts would not be considered as indirect gifts for purposes of Rule XLIII. However, when it is apparent that the gift may not have been offered *but for* the donee's relation to a Member, officer or employee, such a gift would constitute an indirect gift to the Member, officer, or employee.

An additional clarification that has been requested concerns the treatment of "simultaneous gifts" to a Member, officer, or employee and his spouse or dependents. For example, an individual or organization with a direct interest in legislation before the Congress may well invite a Member's family to a dinner or reception. The question is whether such gifts should be aggregated or considered as separate gifts in relation to the provision of Rule XLIII, clause 4 which exempts all gifts valued at $35 or less. For example, the question has been raised: "Would a dinner costing $20 each for a Member and his spouse be considered as one $40 gift or as two $20 gifts (thus falling under the $35 exemption)?"

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[1] The word "indirectly" also refers to gifts received by a Member, officer, or employee through or from a third party. For example, a Member or employee could not accept a gift from an agent of a person with a direct interest in legislation before the Congress who had actually paid for the gift.

The legislative history of the amendment to Rule XLIII, clause 4 clearly indicates that the intent of the "de minimis" exemption for gifts of less than $35 in value was to avoid imposing excessively burdensome recordkeeping requirements and to ignore insubstantial gifts which do not present any potential conflict of interest. Furthermore, it would seem to serve no public policy consideration to prohibit a Member from attending a reception with his spouse and dependents, but to allow the Member to attend such a reception alone. Therefore, the Select Committee finds that simultaneous gifts valued at $35 or less should not be aggregated, but rather should be considered as separate gifts.

SUMMARY OPINION

Gifts to a spouse or dependent are considered indirect gifts to the Member, officer, or employee for purposes of House Rule XLIII, clause 4, unless such gifts are prompted by some consideration unrelated to the Member, officer, or employee. Simultaneous gifts such as dinner or reception invitations to a Member and his spouse and dependents should be treated as separate gifts and not be aggregated. Therefore, unless an individual gift is valued at more than $35, it would be exempted for purposes of Rule XLIII, clause 4.

APPENDIX 22

ADVISORY OPINION NO. 10

SUBJECT

Who has a direct interest in legislation before the Congress?

REASON FOR ISSUANCE

The Select Committee has been requested to issue interpretive guidelines concerning who has "a direct interest in legislation before the Congress" for purposes of applying House Rule XLIII, clause 4.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 4 provides, in effect, that a Member, officer, or employee shall not accept gifts aggregating over $100 in value in any calendar year from any party with *a direct interest in legislation before the Congress*. This Rule has restricted gifts to Members since its adoption in 1968, when it prohibited Members, officers, and employees from accepting gifts of "substantial value" from any part with a direct interest in legislation before the Congress. However, th term "direct interest in legislation " was neither defined nor discusse in the legislative history surrounding Rule XLIII, and clause 4, itse was essentially unenforceable because of the totally subjective natu of the term "substantial value."

On March 2, 1977, the House amended Rule XLIII, clause 4 b defining the term "substantial value" to mean gifts aggregating ov $100 in a calendar year. The Commission on Administrative Revie in its report recommending that the Rule be amended (H. Doc. 95-7 February 14, 1977), noted that under the old Rule it was very dif cult to define precisely who has a direct interest in legislation befo Congress, since almost every citizen has such an interest. The Co mission recommended that:

> . . . the term "direct interest" should be defined so that it includes, but is not limited to, any person or organization who must file under the Federal Lobbying Act of 1946 or its successor statute.

Therefore, H. Res. 287 amended House Rule XLIII, clause 4, to re in part:

> Any person registered under the Federal Regulation of Lobbying Act of 1946 (or any successor statute), any officer or director of such registered person, and any person retained by such registered person for the purpose of influencing legislation before the Congress shall be deemed to have a direct interest in legislation before the Congress.

The Select Committee also believes that any person, organizati or corporation which retains or employs a lobbyist should be deen to have a direct interest in legislation. However, the Commissi report also noted that others, in addition to registered lobbyists, well have a direct interest in legislation before the Congress, and Rule XLIII, clause 4 should be interpreted in such a way that M bers are "alerted to the need to exercise care in accepting gifts ag gating over $100 in any calendar year from all sources."

The issue before the Select Committee is to clarify the term "di interest in legislation before the Congress." The Congreess, by very nature of the institution, represents individuals and groups a direct interest in legislation. Taxpayers anticipating a rebate, ents petitioning for day care centers, etc., communicate with Mem of Congress concerning legislation of interest to them. In one s therefore, most citizens have a "direct interest in legislation befor Congress." But it is not the intent of Rule XLIII, clause 4 to ba gifts valued at more than $100 from concerned citizens intereste federal legislation.

The problem for the Select Committee is to delineate to the e possible the point at which individuals or organizations are t formed from being "concerned citizens" to those having a "d interest" in legislation, placing them in a class of donors from Members may not accept certain gifts valued at more than $100.

Beyond registered lobbyists and persons or organizations employ lobbyists, there is another group of clearly identifiable viduals and organizations that have a direct interest in the legislative process, i.e., organizations which maintain a separate, segregated fund for political purposes (a Political Action Committee as defined in Sec. 321 of the Federal Election Campaign Act of 1971) and the officers or directors of such organizations. Additionally, consistent with FEC regulations, any subordinate or affiliated organization of a "parent" organization which maintains such a Political Action Committee should certainly also be deemed to have a direct interest in legislation before the Congress for purposes of Rule XLIII, clause 4. Of course, persons who simply contribute to such a political fund would not be included within this category.

However, there are clearly a number of individuals and groups which neither retain paid lobbyists nor maintain a Political Action Committee, yet have a very direct and substantial interest in legislation before the Congress. With this understanding, the Select Committee believes that Members should not accept gifts aggregating over $100 in value from any individual or organization that the Member knows has a distinct or special interest in influencing or affecting the federal legislative process which sets such individual or organization apart from the general public. In this context, the Select Committee emphasizes the clear statement of intent issued by the Commission on Administrative Review that Members should be "*alerted to the need o exercise care . . . in accepting gifts from all sources*" (emphasis dded). Implicit in this admonition is the understanding that while ndividuals often receive gifts from non-relatives, and occasionally rom organizations, it is rare that such gifts are valued at more than 100. Therefore, unless such a gift is from a close personal friend, it is ost likely offered because of the Member's position as a United States epresentative.

The Select Committee also notes that appropriate exceptions have een made for purposes of Rule XLIII, clause 4 to allow acceptance f certain categories of gifts, as set forth in Advisory Opinion #7, ven if such "gifts" are valued at more than $100. Thus, the Committee iterates that a Member, officer, or employee should be most careful efore accepting other forms of gifts from any source.

However, if the Member does not believe that the donor of the gift s a distinct or special interest in the congressional legislative proc- s which sets him clearly apart from the general public, then the ember should feel free to accept such gifts. Of course, gifts aggre- ting over $100 from one source must be disclosed in accordance with e new financial disclosure requirements of the Ethics in Government t (PL 95-521).

Finally, the question arises as to when legislation is considered to be efore the Congress." A narrow construction might be confined to an erest in a specific piece of legislation then pending before at least e subcommittee, or any other subdivision, of either House. If the ngress were not in session, for instance, no legislation would be be- e it, and unlimited gifts (subject only to disclosure requirements) ght then flow freely to favored legislators. Also, if the Congress re in session, but the "direct interest" was in having a particular ce of proposed legislation introduced, a narrow construction of the hibition might lead to the conclusion that the legislation was *not* "before the Congress."

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Clearly, in either of the two foregoing instances, a result incongruous with the entire purpose of the gift restriction would occur. Wh this purpose is the reduction of the tendency of certain types of gif to affect legislative action, then a narrow reading would invite a subversion of attempts at achieving that goal.

Therefore, the phrase "legislation before the Congress" should b read broadly to include an ongoing special interest in affecting th legislative process.

SUMMARY OPINION

For purpose of House Rule XLIII, clause 4, the following individuals and organizations are deemed to have a direct interest in legislation before the Congress:

(1)(a) Any person, organization, or corporation registere under the Federal Regulation of Lobbying Act of 1946, or an successor statute; and any person who is an officer or director of registered lobbyist, or a person who has been employed or retaine by a registered lobbyist for the purpose of influencing legislatio before the Congress;

(b) Any person, organization, or corporation which employs o retains a registered lobbyist;

(2) Any corporation, labor organization, or other organizati which maintains a separate, segregated fund for political purposes (Political Action Committee as defined in the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)); any subordina or affiliated organization thereof; and the officers or directors o such organizations; and

(3) Any other individual or organization which the Membe officer, or employee knows has a distinct or special interest in influencing or affecting the federal legislative process which se such individual or organization apart from the general public.

APPENDIX 23

ADVISORY OPINION No. 11

SUBJECT

The Select Committee has been asked whether a Member could acc proceeds from a fund-raising event for the Member's unrestricted personal use, if the event were sponsored by a group independent of t Member.

REASON FOR ISSUANCE

The Select Committee has been asked whether a Member co accept proceeds from a fund-raising event for the Member's unrestricted personal use, if the event were sponsored by a group independent of the Member.

BACKGROUND AND DISCUSSION

House Rule XLIII, clause 7, as amended on March 2, 1977, prohibits the conversion of proceeds from testimonial dinners or o fund-raising events to a Member's personal use. The Select Committee stated in Advisory Opinion No. 4 that a mass mailing constituted a fund-raising event for purposes of Rule XLIII, clause 7, and concluded that neither a Member nor his spouse could directly solicit funds for personal use by a fund-raising technique such as a mass mailing.

An additional question has been asked which concerns the acceptance of funds for a Member's unrestricted personal use that are raised by a group independent of the Member, his spouse, staff, or campaign committee.

As a general proposition, House Rules do not affect the actions of any individuals or organizations which are independent of a Member of Congress. The issue before the Select Committee, however, is not whether an independent group may conduct a fund-raising event, but whether a Member may accept the proceeds of such an event given in his behalf when such proceeds are for the Member's unrestricted personal use.

A major thrust of the provisions contained in the new House Rules was to severely limit the potential for Members of Congress to use their positions of influence for personal gain. In this context, therefore, it is irrelevant whether the Member himself solicits these funds, or whether the Member accepts funds for personal use that are solicited on his behalf by an independent committee.

Rule XLIII, clause 2 specifically states that a Member shall "adhere to the spirit and letter of the Rules of the House of Representatives." The clear intent of clause 7 is to prevent the acceptance of proceeds from fund-raising events for personal use. Thus, to allow a Member to accept such proceeds if raised by a paper "Dinner Committee," "Fund-raising Committee," or similar subterfuge would render Rule XLIII, clause 7 meaningless.

Finally, the Committee recognizes the distinction between the treatment of proceeds from a fund-raising event for purposes of Rule XLIII, clause 7, and acceptance of gifts for purposes of Rule XLIII, clause 4. Clause 4 does not prohibit the acceptance of gifts from anyone who is not a foreign national or does not have a direct interest in legislation before the Congress. Clause 7, however, addresses gifts from fund-raising events, specifying that proceeds from such events should not be treated as personal gifts, but as campaign contributions.

SUMMARY OPINION

For purposes of House Rule XLIII, clause 7, a Member is prohibited from accepting the proceeds from a fund-raising event for his unrestricted personal use.

Appendix 24

Advisory Opinion No. 12

SUBJECT

Application and interpretation of House rule XLIV, financial disclosure.

REASON FOR ISSUANCE

The Select Committee has received a number of inquiries regarding the interpretation and application of the new financial disclosure requirements under House rule XLIV, as amended on March 2, 1977.

BACKGROUND AND DISCUSSION

Rule XLIV requires Members, officers, their principal assistants, and professional committee staff to file an annual financial disclosure statement with the Clerk of the House. The first disclosure statement under the new Rule must be filed by April 30, 1978 and *will cover only the period from October 1 through December 31, 1977.* Thereafter, each annual disclosure statement will relate to the preceding calendar year.

In order to clarify the disclosure requirements, the Committee, pursuant to its authority under H. Res. 383, issues this Advisory Opinion defining and interpreting the provisions of Rule XLIV, which requires the following information to be disclosed:

(1) *Income.*—The source and amount of each item of income aggregating $100 or more from one source. *Capital gains are excluded from the first filing.*

(2) *Gifts.*—(A) The source, a brief description, and value of gifts of transportation, lodging, food, or entertainment aggregating $[illegible] or more from one source; and (B) the source, a brief description, and value of all other gifts aggregating $100 or more from one source. Exempted are gifts from relatives, gifts valued at $35 or less, and gifts of personal hospitality of an individual in the personal residence of, or on property owned by that individual.

The term "gift" means a payment, advance, forebearance, rendering, or deposit of money, or any thing of value, unless consideration of equal or greater value is received, but does *not* include: (1) inheritances; (2) political contributions; (3) transportation, lodging, food, and entertainment provided: (a) by federal, state, and local governments, or political subdivisions thereof; or (b) within a foreign country by the government of that country; (4) communications to the offices of a Member, including subscriptions to newspapers and periodicals; (5) suitable mementos of a function held in honor of the Member, officer, or employee; (6) consumable products provided by home-state businesses to a Member's office for distribution; and (7) food and beverages consumed at banquets, receptions or similar events. (N.B. This exemption does not include dinners for small groups at restaurants or other such "private" events.)

In disclosing gifts, it is not necessary that exact dollar figures be reported in every case. If the exact value of a gift is not reasonably ascertainable, a good-faith estimate is sufficient for disclosure purposes. In some cases involving "travel-related" expenses provided as a gift to a reporting individual, it might be difficult to provide even the approximate value of such expenses. Under these limited circumstances, a brief description of the nature of the expenses provided would be sufficient for disclosure purposes.

Travel-related expenses provided to a Member or employee for his personal benefit and which are unrelated to official duties are consid ered to be gifts. Travel-related expenses provided for speaking engagements, fact-finding tours, etc., are not considered to be gifts and should be disclosed as reimbursements (see below).

(3) *Reimbursements.*—The source and value of reimbursements, directly or indirectly, for expenditures aggregating $250 or more in value from any one source. Exempted are reimbursements for travel-related expenses provided by federal, state and local governments, or political subdivisions thereof. Reimbursements provided by foreign governments or by international governmental associations (e.g., NATO, Interparliamentary Union) are exempt. Such foreign travel-related expenses are required to be disclosed elsewhere under the terms of the Foreign Gifts and Decorations Act, as amended (Public Law 95-105).

Additionally, Members of Congress are often provided travel-related expenses from campaign funds to make political appearances on behalf of their colleagues or other candidates for federal office. Reimbursements for these campaign-related activities are exempt from disclosure since such expenses are required to be disclosed elsewhere under the Federal Election Campaign Act.

Disclosure of reimbursements is thus required for expenses provided by non-governmental sources such as trade associations, foundations, corporations, labor unions, educational institutions, and individuals. This category would generally include items such as travel expenses provided in connection with a speaking engagement or a fact-finding event related to official duties, whether those expenses were reimbursed to the individual or paid directly by the sponsoring organization.

Since reimbursements will often involve travel-related expenses which are not provided directly to a Member or employee on an individual basis, but rather involve an official group or delegation (as part of a fact-finding tour, etc.), actual or estimated costs may not be reasonably ascertainable. Therefore, whenever the exact or appropriate value of travel-related expenses is not reasonably ascertainable, a brief description of the itinerary or the nature of the expenses provided is sufficient for disclosure purposes.

(4) *Holdings.*—The identity and category of value of any property held, directly or indirectly, in a trade or business or for investment or the production of income and which has a fair-market value of at least $1,000 as of the close of the year. Items such as household goods, automobiles, and other personal property not principally held for investment purposes or the production of income need not be disclosed.

With respect to business interests, the reporting individual need only disclose the category of value of his interest in the business and not the assets and holdings of the business itself. Since the value of holdings needs to be disclosed only within certain categories, an appraised to determine the fair-market value should usually not be necessary. However, in those few instances where it is difficult to estimate even the category of value of an asset, the individual may use any generally recognized indication of value provided that the method of valuation is indicated on the disclosure form.

(5) *Liabilities.*—The identity and category of value of each personal liability owed, directly or indirectly, which exceeds $2,500 as of the close of the year. This category applies to all personal loans,

whether secured or unsecured, and regardless of the repayment terms or interest rates. Exempted, however, are mortgages secured by real property which is the personal residence of a Member or his spouse in the Washington, D.C. area or in the district; or the principal residence of any other reporting individual or his spouse. Also exempted from disclosure are loans secured by automobiles and obligations to make alimony or child-support payments. A contingent liability (e.g., if the individual co-signs a note) need not be disclosed. Similarly, an individual with an interest in a business, corporation, partnership, etc., need not list a liability of that organization.

(6) *Security transactions.*—The identity, date, and category of value of any transaction, directly or indirectly, in securities or commodity futures during the calendar year (beginning in 1978) which exceeds $1,000 in value. *The first filing to be made in 1978 does not require the reporting of this information.* Exempted are any transactions donating such securities to any tax-exempt organization, as defined in section 501(c)(3) of the IRS Code.

(7) *Real property transactions.*—The identity, date, and category of value of any purchase or sale, directly or indirectly, of any interest in real property which exceeds $1,000 in value as of the date of such purchase or sale. This category requires the reporting of only real property transactions. Any real property held for investment purposes would be listed as a holding under item 4, as described above. As with liabilities owed, transactions involving personal residence property are exempted from disclosure.

Categories of Value.—A detailed net-worth statement is not required under House Rule XLIV. Instead, financial interests and liabilities need be disclosed only by categories of value. The categories of value for items 4–7 are as follows: less than $5,000; between $5,000 and $15,000; between $15,000 and $50,000; between $50,000 and $100,000; and more than $100,000.

Spouse disclosure

Rule XLIV requires disclosure of spouse interests if they are under the "constructive control" of the reporting individual. This requirement has existed under House Rule XLIV since its original adoption in 1968. As defined by the Committee on Standards of Official Conduct, the financial interests of a spouse are regarded as constructively controlled "if enhancement of those interests would substantially benefit the person reporting. Normally, in the absence of specific property division agreements, trusts, etc., the interests of spouses . . . would be constructively controlled."

In view of the more detailed information now required to be disclosed, the Select Committee believes that clarification of spouse disclosure requirements is necessary.

Accordingly, the financial interests of a spouse should be reported as follows: (1) source, but not amount, of spouse earned income exceeding $1,000; (2) gifts or reimbursements to the spouse, unless received independent of the relationship to the reporting individual; and (3) assets and liabilities of the spouse unless the reporting individual indicates that: (a) he or she neither derives, nor expects to derive, any economic benefit from such interests; and (b) such interests were not obtained in any way from the assets or activities of the reporting individual.

The assets and liabilities of a spouse must be reported in the same manner as those of the reporting individual; however, the person reporting need not identify such items as those of the spouse. The financial interests of a spouse living separate and apart from the reporting individual need not be disclosed.

APPENDIX 25

ADVISORY OPINION No. 13

SUBJECT: GENERAL INTERPRETATION OF HOUSE RULE XLVII, DEALING WITH LIMITATIONS ON MEMBERS' OUTSIDE EARNED INCOME

1. *General*

(*a*) *Purpose of rule.*—House Rule XLVII, which was adopted on March 2, 1977 as part of the financial ethics code, limits both the amount of "outside earned income" a Member may have, and also the amount a Member may accept as an honorarium for any single speech, appearance, or article. Two major considerations prompted adoption of the Rule. First, substantial payments to a Member of Congress for rendering "personal services" to outside groups presents a significant and avoidable potential for conflict of interest. Second, it is consistent with the concept that being a Member of Congress is a full-time job to permit a Member to have substantial earnings from other employment.

(*b*) *Annual limitation generally.*—Clause 1 of the Rule prohibits a Member from having outside earned income attributable to any calendar year beginning after December 31, 1978 in excess of 15% of the Member's salary as a U.S. Representative for that year. In order for an item to be counted against this limitation for a particular year: (i) it must be "outside earned income", within the meaning of Rule XLVII, and (ii) it must be attributable to that year. The Rule defines outside earned income to mean "wages, salaries, professional fees, honorariums, and other amounts (exclusive of copyright royalties) received or to be received as compensation for personal services actually rendered, not including the Member's salary as a U.S. Representative".

Outside earned income is attributed to the year in which the Member's right to receive it becomes certain (i.e., under the accrual method) rather than to the year of receipt. Therefore, receipt of income earned during a particular year cannot be deferred to a future year in which the Member has less outside earned income, or until after the Member retires from Congress. The limitation is not applicable to compensation for personal services rendered prior to January 1, 1979, the effective date of Rule XLVII, or prior to the effective date of the Member's becoming a U.S. Representative, if later. Outside earned income is determined without regard to any community property law. That is, even though under applicable community property law, one-half of any personal service income earned by the Member is deemed to belong to the spouse, all of such income is considered earned income of the Member for purposes of the Rule.

(*c*) *Real facts controlling.*—The limitations imposed by Rule XLVII may not be avoided by the characterization or disposition of any payment for services rendered. In all cases, the real facts will control. For example, if a Member's spouse, child, other relative, or trust for benefit of any of them, is paid an amount, however denominated, and the true consideration for the payment is services rendered by the Member, the amount will be deemed outside earned income by the Member. Similarly, the label or characterization placed on a transaction, arrangement or payment by the parties may be disregarded for purposes of the Rule. Thus, if amounts received or to be received by a Member are in fact attributable to any significant extent to services rendered by the Member, the characterization of such amounts as partnership distributive share, dividends, rent, interest, payment for a capital asset, or the like, will not serve to prevent the application of Rule XLVII to such amounts. Moreover, the Rule applies to outside earned income realized in a medium other than money, for example, in property or services or through a bargain purchase or forbearance in consideration of personal services rendered.

In short, income may not be recharacterized in order to circumvent the Rule. Indeed, characterization of income is essentially irrelevant. For purposes of this Opinion, there are two types of income—earned and unearned. If the compensation received is essentially a return on equity, then it would generally not be considered to be earned income. If the income is not a return on equity, then such income would generally be considered to be earned income and subject to the limitation.

When such amounts received or to be received by a Member are designated as salary, fees, or commissions, the overriding presumption is that such amounts, almost by definition, constitute compensation for personal services rendered. An honorarium from a speaking engagement, for example, is obviously outside earned income. With respect to income from business ventures, the Committee is convinced that in the overwhelming majority of cases, there will be little or no difficulty in determining whether certain income is subject to the Rule. Again, the facts of each individual case will govern applicability of the Rule, but the principles set forth in this Opinion should be followed in making that determination.

2. Outside earned income from business ventures

This Advisory Opinion differentiates between businesses in which both capital and personal services are material income-producing factors and those in which personal services is the only material income-producing factor.

(*a*) *Personal service businesses.*—Where a Member owns or participates in a personal service business, such as a professional practice, in which capital is not a material income-producing factor, his entire share of the profits is deemed to be outside earned income for purposes of the Rule, except to the extent he can demonstrate that his income in fact represents a return on investment. In general, capital is not a material income-producing factor where gross income of the business consists principally of fees, commissions or other compensation for personal services performed by an individual. Thus, the practice of one's profession by a doctor, lawyer, insurance broker, or real estate agent will not, as such, be treated as a business in which capital is a material income-producing factor. Even where the practitioner may have a substantial investment in professional equipment or in the physical plant constituting the office from which he conducts his practice, the capital investment would be regarded as only incidental to the professional practice.

Moreover, the fact that the Member may not personally participate to any substantial extent in the rendering of services to the customers or clients of the business, all such services being performed by assistants or associates, would not serve to justify classification of his share of the business income as other than earned income. If a Member shares in the profits of a personal service organization without being required to perform any significant productive services, absent a strong showing to the contrary, it will be presumed that the Member is being compensated for attracting or retaining customers or clients, and such income is considered outside earned income.

Law practices.—Since there are a number of attorneys serving in the House of Representatives, for purposes of example, application of the Rule to practice of law is specifically addressed in this Opinion. Those Members who currently maintain an active affiliation with a law firm may now wish to enter into a buy-out agreement with their partners in order to liquidate their equity in the firm. This is perfectly appropriate. Amounts received or receivable by a Member in payment for his interest in a law firm or similar organization upon his retirement from it would not constitute outside earned income so long as the amounts payable do not, in effect, represent a continuing participation in the law firm and the total amount payable is not in excess of the fair market value of the Member's interest. Normally such arrangements call for fixed payments at annual or more frequent intervals over a period of years. In some cases, however, the retiring partner and those continuing the business are unable to agree on a value for one or more assets of the business, such as contingent fee cases or accounts receivable of dubious value, and the buy-out agreement may accordingly provide that the retiring partner will be paid a share of such items, if, as and when they are collected.

Payments to a Member under a buy-out agreement will not be deemed to be outside earned income where the arrangements are entered into in good faith and agreed to by all the partners, and reflect the usual and customary value of the equity generally accorded to partners in similar law practices in the same geographic area. A buy-out agreement should also be reasonably calculated to avoid the Member's participation in post-withdrawal profits. In general, the proceeds resulting from a buy-out agreement are taxed as capital gains. If such an agreement is not limited to liquidation of the Member's equity in the firm, and includes payments which might be taxable as earned income, any such payments under the agreement might be subject to the earned income limitation.

The Committee notes that Rule XLVII does not prohibit continued affiliation with a law firm, as does the Senate Rule on outside earned income. However, those Members who wish to retain an interest in a law firm after the effective date of the Rule may be required to lessen their active involvement in the firm because of the earned income limitation. Accordingly, the Committee makes reference to the American Bar Association Code of Ethics, which states in part: "A lawyer who assumes . . . a legislative post . . . shall not permit his name to remain in the name of a law firm or to be used in the professional notices of the firm during any significant period in which he is not actively and regularly practicing law as a member of the firm." (ABA Disciplinary Rule 2-102B). Depending upon the particular circumstances involved in each case, this provision may have some bearing on a Member's continued affiliation with a law firm.

For those Members who will choose to remain formally affiliated with a law firm, some of their income from the law firm may be in the form of return on equity. In recognition of the principle that any capital investment in a business is entitled to a reasonable return, this Opinion provides that a Member may treat as unearned income a portion of his share of the profits from the law firm, as from any other personal service business, equal to interest computed at 10 percent per annum on his investment in the business assets (after adjustment to exclude investment income and expenses, if any). For purposes of this 10 percent computation, the Member's investment in business assets will ordinarily be represented by the average balance of his capital account during the year, where the business interest is a proprietorship or partnership, or by the average book value of his stock, where the investment is in a subchapter S corporation. In general, a Member's equity in the firm would not exceed the amount he would receive pursuant to a buy-out agreement, and should be calculated to avoid any benefit accruing to the Member from increased profits subsequent to the effective date of the Rule.

(*b*) *Businesses where capital is a material income-producing factor.*—Capital is a material income-producing factor if a substantial portion of the gross income of the business is attributable to the employment of capital, as reflected, for example, by a substantial investment in inventories, plant, machinery or other productive equipment. This Opinion discusses the application of the Rule in such cases to income from a fully taxable corporation and income from an unincorporated business or subchapter S corporation.

(*1*) *Taxable corporations*

If a Member renders services to a fully taxable business corporation he will not be deemed to realize outside earned income from such services beyond the amount of salary or other form of extra compensation designated as consideration for the personal services rendered. In those cases where the Member's sole finanical interest is stock in the corporation, an increase in the net assets of the corporation would not be considered to be subject to the limitation. An increase in the value of stock or other property is not ordinarily treated as earned income either for tax purposes or under generally accepted accounting principles and any increase in the corporation's net profits would be subject first to corporate income tax and then to personal income tax before the Member receives any resulting increment to his wealth through a dividend or sale of his stock. The foregoing has no application, of course, to income which a Member earns through his personal efforts in dealings with third parties but causes to be paid to a corporation and then distributed to him. For example, if a Member incorporates himself for the purpose of conducting a speaking business, and all fees for his speaking engagements are paid to the corporation from which he then draws "profits", all such amounts would be considered to be outside earned income.

In sum, if a Member renders services to a taxable corporation, only the salary or other compensation he receives for those services would be subject to the limitation, but not any increase in the corporation's assets or his share of the profits. This ruling is consistent with the intent of the Commission on Administrative Review which recommended the limitation on outside earned income. In its report (Document No. 95-73), the Commission stated that ". . . Members should be able to render personal services to manage or protect their equity . . . without having to allocate these personal services toward the 15 percent limitation."

(2) *Subchapter S corporation, partnership, unincorporated business*

In those cases where the Member has an ownership interest in a business for which he also performs services, as in a subchapter S corporation or a partnership, some part of his share of the profits of that business may reflect the value of his services, and thus would be considered outside earned income. The determining factor is whether the Member's personal services generate significant income for the business. Of course, if the Member receives formal compensation from the business, for example, payments designated as salary or fees, such amounts would be considered earned income. Additionally, in those cases where other partners or associates are providing capital and managerial expertise, and the Member's principal role is to refer clients to the business or to help retain existing customers or clients, the Member would be deemed to be rendering income-producing services, even though the actual time involved might be minimal. However, if the Member is engaged primarily in the general oversight and management or protection of his investment, his services would not be deemed to generate significant income. Such non-income generating services would include consultation with other management officials, analysis of financial and other reports, participation in formal meetings, and making decisions concerning the general operations and investment strategy of the business.

The application of the Rule to the various types of business organizations as discussed in this Opinion applies equally to a business owned or controlled by the Member or his family. Again, the determining factor is whether or not the personal services of the Member actually generate any significant income for the business. In those situations where the services rendered by the Member are incidental and do not generate significant income, no part of his share of the profits or any increase in the assets of the business would be deemed to be outside earned income.

The Committee emphasizes that the definition of earned income in Rule XLVII, which excludes amounts received by a Member from a family controlled business "so long as the personal services actually rendered by the Member . . . do not generate a significant amount of income," was simply intended to assure Members that they could continue to make decisions and take actions necessary to manage or protect their equity in a family trade or business, and would not be forced to divest themselves of their family business interests. As with any business, a Member would not be required to allocate his share of the profits of the business as outside earned income when the facts and circumstances show that the income is in reality a return on investment. For example, if the Member owns a hardware store and the services he renders are incidental, such as occasionally serving customers, the income received from the business is basically a return on equity, (i.e., profits from the sale of hardware goods) and is not generated by the Member's services. Similarly, if the Member's family owns a farm and the Member gives overall direction to the management of the business, the income received from the farming operations is not generated by the Member's personal services, but rather is basically a return on equity from the sale of crops or dairy products. These types of businesses are distinguishable from a personal service business where income is essentially produced by the services of the individual affiliated with the organization.

3. *When income is accountable*

(*a*) *Income from pre-effective date services.*—The Rule excludes from earned income any compensation derived by a Member for personal services actually rendered prior to the effective date of the Rule (January 1, 1979) or prior to the effective date of the Member's becoming a U.S. Representative, if later. This provision would serve to exclude from the limitation, for example, most renewal commissions paid to a Member with respect to life insurance policies sold by him prior to the effective date, or similar commissions received by a Member with respect to pre-effective date leases in which the Member was a leasing agent. In most such arrangements, payment of the commission is not contingent upon the performance of any future services by the recipient; the only contingency is that the insured or lessee continues to pay premiums or rent, as the case may be. The pre-effective date exclusion would also apply to a fee received by a lawyer-Member after the effective date where all the work had been done prior to the effective date. However, this exclusion would not apply to income derived from the continuing or future business of clients brought into the firm prior to the effective date of the Rule.

(*b*) *Application of limitation to part years.*—Where an individual becomes a Member during any calendar year beginning after December 31, 1978, the Rule applies only to outside earned income of the new Member attributable to periods after the effective date of his becoming a Member. For the balance of the calendar year in which he becomes a Member, the applicable limitation will be 15% of the Member's salary as a U.S. Representative for that part year, and only outside earned income attributable to that part year is counted against the limitation.

4. *Other provisions*

(*a*) *Payments attributed to deferred compensation plans.*—Amounts received by a Member from a tax-qualified pension, profit-sharing or stock bonus plan are not treated as outside earned income, as provided in the Rule, nor are contributions to such a plan counted as outside earned income. Amounts received by a Member from a non-qualified deferred compensation plan which were earned in a year prior to the effective date of the Rule are not outside earned income for the year received under the principle explained in Section 3(a), provided no part of the consideration for such payments is current services. Amounts set aside for a Member under a non-qualified deferred compensation plan for services rendered after the effective date of the Rule will generally constitute outside earned income of the Member for that year, even though they will not be received until a later year, unless receipt is subject to a substantial risk of forfeiture.

(*b*) *Assignment of income to charities.*—Notwithstanding the general holding of this Opinion that a Member cannot deflect the application of the Rule by assigning to another income which he in fact earned through rendering services, earned income assigned by a Member to a tax-exempt charity will not be counted as part of the Member's outside earned income, provided the Member is not a "disqualified person" with respect to the recipient organization within the meaning of section 4946(a) of the Internal Revenue Code. For purposes of the Rule, such income would not be deemed to have been "received" by the Member provided that he did not personally benefit in any way from such income.

(*c*) *Honoraria.*—Clause 2 of Rule XLVII provides that no Member may, in any calendar year beginning after December 31, 1978, accept any honorarium of more than $750 in value for any single speech, appearance, or article by the Member. In computing the amount of any honorarium for purposes of the $750 limitation, there shall not be taken into account the reimbursement of any actual and necessary travel expenses incurred by the Member in earning the honorarium. To the extent any such travel expenses are not reimbursed, the amount of the honorarium shall be reduced accordingly. Payment of actual and necessary travel expenses of a spouse (or another family member) accompanying the Member is also excluded from the limitation, consistent with the Federal Election Commission regulations governing receipt of honoraria.

Under Section 1(b) of this Opinion, outside earned income is attributed to the year in which the Member's right to receive it becomes certain rather than to the year of receipt, (i.e., the accrual method). With respect to honoraria, however, the accrual method could cause some particular confusion in the case of a Member giving a speech in December but not receiving actual payment until January. Because of the potential problems that could arise, Members would have the limited option of using a cash basis for receipt of honoraria for purposes of the Rule.

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Union Calendar No. 972

95th Congress, 2d Session - - - - - - - - - - - House Report No. 95–1838

(95—67)

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION HOUSE OF REPRESENTATIVES

SUMMARY OF ACTIVITIES

(Legislative History)

NINETY-FIFTH CONGRESS

FIRST SESSION { CONVENED JANUARY 4, 1977
ADJOURNED DECEMBER 15, 1977

SECOND SESSION { CONVENED JANUARY 19, 1978
ADJOURNED OCTOBER 15, 1978

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[1] Elected to committee Mar. 3, 1977.
[2] Elected to committee Sept. 28, 1977.
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LETTER OF TRANSMITTAL

Hon. Edmund L. Henshaw,
Clerk of the House of Representatives,
Washington, D.C.

Dear Mr. Henshaw: Pursuant to section 1(d) of rule XI, I hereby submit a report on the activities of the Committee on Public Works and Transportation for the 95th Congress.

Sincerely,

Harold T. (Bizz) Johnson,
Chairman.

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Union Calendar No. 972

TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 95–1838

REPORT OF ACTIVITIES—PUBLIC WORKS AND TRANSPORTATION

JANUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. JOHNSON of California, from the Committee on Public Works and Transportation, submitted the following

REPORT

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OVISION OF THE RULES OF THE HOUSE OF REPRE- ENTATIVES APPLICABLE TO COMMITTEE ACTIVI- IES—JURISDICTION OF THE HOUSE COMMITTEE ON UBLIC WORKS AND TRANSPORTATION

"RULE X

"ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

"The Committees and Their Jurisdiction

. There shall be in the House the following standing committees,
of which shall have the jurisdiction and related functions assigned
by this clause and clauses 2, 3, and 4, and all bills, resolutions,
other matters relating to subjects within the jurisdiction of any
ding committee as listed in this clause shall (in accordance with
subject to clause 5) be referred to such committees, as follows:

* * * * * * *

p) Committee on Public Works and Transportation.

1) Flood control and improvement of rivers and harbors.

2) Measures relating to the Capitol Building and the Senate and
e Office Buildings.

3) Measures relating to the construction or maintenance of roads
post roads, other than appropriations therefor; but it shall not be
der for any bill providing general legislation in relation to roads
ntain any provision for any specific road, nor for any bill in rela-
to a specific road to embrace a provision in relation to any other
ific road.

4) Measures relating to the construction or reconstruction, main-
nce, and care of the buildings and grounds of the Botanic Gardens,
Library of Congress, and the Smithsonian Institution.

5) Measures relating to the purchase of sites and construction of
offices, customhouses, Federal courthouses, and Government build-
within the District of Columbia.

6) Oil and other pollution of navigable waters.

7) Public buildings and occupied or improved grounds of the
ed States generally.

8) Public works for the benefit of navigation, including bridges
dams (other than international bridges and dams).

9) Water power.

10) Transportation, including civil aviation except railroads, rail-
labor, and pensions.

11) Roads and the safety thereof.

12) Water transportation subject to the jurisdiction of the Inter-
Commerce Commission.

13) Related transportation regulatory agencies, except (A) the
state Commerce Commission as it relates to railroads; (B) Fed-
Railroad Administration; and (C) Amtrak."

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FOREWORD

Pursuant to clause 1(d) of rule XI of the House of Representatives e Committee on Public Works and Transportation reports herein on s activities during the 95th Congress. Included are:

(1) Bills and resolutions enacted into law;

(2) Bills approved by the House but not acted upon by the Senate;

(3) Bills reported to the House but not acted upon; and

(4) Bills approved by the House and Senate which did not receive final action.

Also contained is a report on the activities of the Subcommittee on vestigations and Review.

During the 95th Congress 824 bills were referred to the committee such diverse subjects as navigation improvements, flood control, ach erosion, hurricane protection, disaster relief, highways and high- ay safety, mass transportation, public buildings, water supply, public orks and economic development, Appalachian regional development, otor carrier safety, aviation and aviation safety, airport noise, air- e deregulation, water transportation, and energy conservation.

The committee approved 93 public buildings projects resolutions, 41 ater resource survey resolutions, 4 water resource project resolutions, d 22 watershed projects.

The committee and its subcommittees held 252 meetings in Washing- n and in the field for a total time of all meetings of 725 hours, 3 inutes. There were 19 field hearings included in the total.

Each subcommittee produced major legislation which was enacted to law. Among the major bills enacted are:

The Clean Water Act of 1977 which brought about far-reaching forms of the Federal water pollution control program, including an tensified attack on toxic pollutants in the Nation's waterways; lock d dam 26 and waterway user charges which was the culmination of ars of work to effect the replacement of lock and dam 26, near Alton, ., and for the first time will impose a fuel tax on commercial users on e inland waterways; the Airline Deregulation Act of 1978 which ngs about a major restructuring of Federal aviation regulations to rmit greater price and route competition among the Nation's com- rcial airlines; the Surface Transportation Assistance Act of 1978 ich authorizes a 4-year $51 billion program of Federal assistance for ghway and public mass transportation programs in urban and rural as throughout the Nation; and the National Energy Conservation licy Act which in part dealt with installation of solar energy equip- nt in selected Federal buildings for heating and cooling.

ly sincere thanks go to all committee members for their splendid peration in all our endeavors.

A special word of thanks is due the subcommittee chairmen: Congressman Glenn M. Anderson, chairman of the Subcommittee on Aviation; Congressman Robert A. Roe, chairman of the Subcommittee on Economic Development; Congressman Bo Ginn, chairman of the Subcommittee on Investigations and Review; Congressman Norman Mineta, chairman of the Subcommittee on Public Buildings and Grounds; Congressman James J. Howard, chairman of the Subcommittee on Surface Transportation; and Congressman Ray Roberts, chairman of the Subcommittee on Water Resources.

My sincere appreciation goes to Congressman Ray Roberts, who ably served as ranking member of the committee, as well as acting chairman during a portion of the latter part of 1977, and Congressman William H. Harsha, who has served well for many years as the ranking minority member of the committee.

Finally, to the entire staff of the committee, I extend my personal thanks for a job well done.

HAROLD T. (BIZZ) JOHNSON,
Chairman.

BILLS ENACTED INTO LAW

Public Law No.	Date enacted	Bill No.	Title
95-25	May 4, 1977	S. 385	To name a certain Federal building in Grand Rapids, Mich., the Gerald R. Ford Bldg. (Enacted in lieu of House bill, H.R. 2210.)
95-28	May 13, 1977	H.R. 11	To increase the authorization for the Local Public Works Capital Development and Investment Act of 1976.
95-31	May 23, 1977	S. 1279	To provide temporary authority to the Secretary of Commerce to facilitate emergency actions to mitigate the impacts of the 1976–77 drought, and to promote water conservation. (Enacted in lieu of House bill, H.R. 5884.)
95-36	June 1, 1977	H.R. 6401	To authorize appropriations for the administration of the Deepwater Port Act of 1974.
95-50	June 20, 1977	S. 521	To amend the John F. Kennedy Center Act to authorize funds for certain repairs and other purposes. (Enacted in lieu of House bill, H.R. 2846.)
95-51	June 20, 1977	H.R. 6197	To amend the Disaster Relief Act of 1974 to provide for authorization of appropriations thereunder through fiscal year 1978.
95-104	Aug. 15, 1977	S. 2001	Authorization for Brazos River Basin and San Joaquin River Basin.
95-141	Oct. 23, 1977	S. 2169	Naming the new South Portal Federal Office Bldg. in Washington, D.C., the "Hubert H. Humphrey Bldg." (Enacted in lieu of House bill, H.R. 9449.)
95-163	Nov. 9, 1977	H.R. 6010	Federal Aviation Act of 1958, amendments.
95-175	Nov. 14, 1977	S. 2052	To extend the supervision of the U.S. Capitol Police to certain facilities leased by the Office of Technology Assessment.
95-179	Nov. 15, 1977	H.R. 8992	To amend title 3 of the United States Code to change the name of the Executive Protective Service.
95-182	Nov. 15, 1977	H.R. 9836	To authorize the Architect of the Capitol to furnish chilled water to the Folger Shakespeare Library.
95-187	Nov. 16, 1977	H.R. 8[illegible]	To amend the Urban Mass Transportation Act of 1964 to revise the program of Federal operating assistance provided under sec. 17 of such act.
95-190	Nov. 16, 1977	S. 2281	Authorizing an increase in the monetary authorization for 9 comprehensive river basin plans. (Enacted in lieu of House bill, H.R. 9881.)
95-193	Nov. 18, 1977	H.R. 8777	To amend the Appalachian Regional Development Act of 1965 to permit an extension of the period of assistance for child development programs while a study is conducted on methods of phasing out Federal assistance to these programs.
95-217	Dec. 27, 1977	H.R. 3199	Clean Water Act of 1977.
95-241	Mar. 8, 1978	H.R. 10368	To amend the Federal Aviation Act of 1958 relating to eligibility for registration of aircraft.
95-245	Mar. 14, 1978	H.R. 9851	To amend the Federal Aviation Act of 1958 to improve cargo air service.
95-269	Apr. 26, 1978	H.R. 7744	To amend the acts of Aug. 11, 1888, and Mar. 2, 1919, pertaining to carrying out projects for improvements of rivers and harbors by contract or otherwise.
95-285	May 25, 1978	S. 1568	To name the lake located behind Lower Monumental lock and dam, Washington, "Lake Herbert G. West." (Enacted in lieu of House bill, H. . 10838.)
95-296	June 19, 1978	S. 1640	To designate the "Mike Monroney Aeronautical Center" (Enacted in lieu of House bill, H.R. 7674.)
95-305	June 29, 1978	S. 2973	Authorizing appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. (Enacted in lieu of House bill, H.R. 12098.)
95-324	July 28, 1978	H.R. 4270	To designate the Federal building and U.S. Courthouse in Hato Rey, P.R., the "Federico Degetau Federal Bldg."
95-340	Aug. 11, 1978	H.R. 12138	To name a certain Federal building in Laguna Niguel, Calif. the "Chet Holifield Bldg."
95-363	Sept. 11, 1978	H.R. 12106	To amend the Independent Safety Board Act of 1974 to authorize additional appropriations.
95-403	Sept. 30, 1978	S. 1896	To amend the hazardous Materials Transportation Act to authorize appropriations for fiscal year 1979. (Enacted in lieu of House bill, H.R. 11781.)
95-413	Oct. 5, 1978	S. 3342	To name 2 lakes which have been completed as part of the Papillion Creek basin project as the "Standing Bear Lake" and the "Glenn Cunningham Lake." (Enacted in lieu of House bill, H.R. 7041.)
95-418	Oct. 5, 1978	H.R. 8812	To name a certain Federal building in Jonesboro, Ark., the "E. C. 'Took' Gathings Building."

BILLS ENACTED INTO LAW—Continued

Public Law No.	Date enacted	Bill No.	Title
95-489	Oct. 20, 1978	H.R. 13803	To terminate the authorization of the navigation project on the Columbia Slough, Oreg.
95-502	Oct. 21, 1978	H.R. 8533	Locks and dam 26 and waterway user charges. (See H.R. 83 for legislative history.)
95-504	Oct. 24, 1978	S. 2493	Airline Deregulation Act of 1978. (Enacted in lieu of House bill H.R. 12611.)
95-518	Oct. 25, 1978	H.R. 12112	"Gathright Dam and Lake Moomaw."
95-522	Oct. 27, 1978	H.R. 13481	"Frederick G. Payne Building."
95-525	Oct. 27, 1978	H.R. 7296	To designate the new Terminal Radar Approach Control Federal Building, in Hempstead, Long Island, N.Y., as the Charles A. Lindbergh Federal Building.
95-527	Oct. 27, 1978	H.R. 7305	"William L. Springer Building."
95-528	Oct. 27, 1978	H.R. 13808	"Omar Burleson Federal Building."
95-529	Oct. 27, 1978	H.R. 13809	"George H. Mahon Building."
95-531	Oct. 27, 1978	H.R. 14223	"Leslie C. Arends Building."
95-532	Oct. 27, 1978	H.R. 14295	"Paul G. Rogers Federal Building."
95-538	Oct. 27, 1978	S. 3540	"Justice William O. Douglas Federal Building." (Enacted in lieu of House bill, H.R. 14148.)
95-542	Oct. 28, 1978	H.R. 11671	"C. Bascom Slemp Building."
95-543	Oct. 28, 1978	H.R. 12634	"Joe Skubitz Social Security Administration Building."
95-544	Oct. 28, 1978	H.R. 13187	"John J. Flynt, Jr. Federal Building."
95-545	Oct. 28, 1978	H.R. 13514	"Joe Waggonner Federal Building."
95-548	Oct. 30, 1978	S. 3112	To amend the act of Oct. 19, 1976, to provide additional authorizations for the Library of Congress James Madison Memorial Building. (Enacted in lieu of House bill, H.R. 12342).
95-569	Nov. 2, 1978	S. 1029	To authorize the Smithsonian Institution to construct museum support facilities.
95-576	Nov. 2, 1978	H.R. 12140	To amend the Federal Water Pollution Control Act to provide additional authorizations for certain operating programs under the act.
95-577	Nov. 2, 1978	H.R. 13597	To authorize the Architect of the Capitol to install solar collectors for furnishing a portion of the energy needs of the Building (Enacted in lieu of House bill, H.R. 12342). Rayburn House Office Building and House Office Building Annex No. 2.
95-596	Nov. 4, 1978	S.J. Res. 160	To initiate preliminary studies for the restoration and renovation of the Pension Building in Washington, D.C., to house a Museum of the Building Arts.
95-599	Nov. 6, 1978	H.R. 11733	"Surface Transportation Assistance Act of 1978."
95-619	Nov. 9, 1978	H.R. 5037	National Energy Conservation Policy Act. (Enacted in lieu of committee bill, H.R. 6831.)

BILLS APPROVED BY THE HOUSE BUT NOT ACTED UPON BY THE SENATE

H.R. 212—R. Schaefer Heard Park.

H.R. 7462—To amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1978.

H.R. 8993—"James J. Rowley Secret Service Training Center."

H.R. 11241—Ventura Harbor.

BILLS REPORTED TO THE HOUSE BUT NOT ACTED UPON

H.R. 3583—"John A. Blatnik Lock" (May 1, 1978. Reported to the House. H. Rept. 95-1101).

H.R. 12139—River Basin Monetary Authorization Act of 1978. (May 8, 1978. Reported to the House (H. Rept. 95-1098)).

H.R. 12796—To amend the National Visitor Center Facilities Act of 1968. (S. 2995) (May 22, 1978. Reported to the House, H. Rept. 95-1212; June 28, 1978. Received open rule, 1 hour of debate; October 4, 1978. S. 2995 passed Senate.)

H.R. 13387—A bill to provide a method for combating terrorism. (August 17, 1978. Approved by full committee.) H.R. 13387 was jointly referred to Committees on International Relations and Judiciary. Full Judiciary Committee never acted on it; the bill died in markup of International Relations Committee due to lack of a quorum.

Bills Approved by the House and Senate Which Did Not Receive Final Action

H.R. 8729 (S. 3279)—"Airport and Aircraft Noise Reduction Act." (September 14, 1978. Passed House; September 19, 1978. Referred to Senate Commerce, Science, and Transportation Committee.) Senate Commerce Committee reported S. 3279 on July 11 and referred it to Senate Finance Committee; Senate Finance reported to Senate on October 5, 1978. On October 14, 1978, it passed Senate and amended in nature of substitute and returned to House.

H.R. 10979—"Pothole Bill." (Passed House February 21, 1978; Amended in Senate October 15, 1978, struck all after enacting clause to include water projects from H.R. 13059; died in House for lack of quorum October 15, 1978.

H.R. 6803—"Oil Pollution Liability, and Compensation Act." (September 12, 1977. Passed House; October 5, 1978. Passed Senate and amended; October 13, 1978. House agreed to Senate amendments with amendments. Senate failed to agree to amendments.) (But, see action on H.R. 12140.)

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ANALYSIS OF BILLS ENACTED INTO PUBLIC LAW

GERALD R. FORD BUILDING

(Public Law 95-25)

Public Law 95-25 designates that the Federal building located at 110 Michigan Avenue NW, in Grand Rapids, Mich., be known as the Gerald R. Ford Building.

Gerald R. Ford, born in Omaha, Nebr., in 1913, attended Grand Rapids public schools and graduated from the University of Michigan with a B.A. degree in 1935 and from Yale University Law School with LL.B. degree in 1941. He received honorary doctorate degrees from Michigan State University and from Albion, Aquinas, Spring Arbor, Buena Vista, Grove City, Parsons, and American International Colleges. He was admitted to the Michigan bar and to practice before the U.S. Supreme Court.

After 47 months in the Navy during World War II, he was elected to Congress in 1948 and was reelected for the succeeding 12 Congresses. In 1965 he was selected by his colleagues as the minority leader of the House of Representatives. He served as minority leader until nominated to fill the vacated Vice Presidency in 1973.

With the resignation of former President Nixon in August 1974, he assumed the Presidency at a most difficult time in our Nation's history. During his 2½ years as President, this country saw a continuation of Gerald Ford's honesty and courage that won the respect of his constituents in Michigan and of his colleagues in the House of Representatives.

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT ACT AMENDMENTS

(Public Law 95-28)

Title I of this act, known as the Public Works Employment Act of 1977, amended and extended the Local Public Works Capital Development and Investment Act of 1976, to authorize an additional $4 billion for a second round of funding of 100 percent grants to State and local governments for the construction, repair, rehabilitation, or other improvement of local public facilities.

This continued an antirecession program designed to create jobs for the unemployed in the construction industry and to provide badly needed public facilities in communities throughout the Nation.

One of the chief objectives was to create jobs as quickly as possible and to target funds to needy communities with maximum speed. Therefore, the time factors applied in the first round of funding were continued. New rules and regulations had to be prepared within 30 days of enactment. The Secretary was given 60 days to act on applications, and onsite labor had to begin within 90 days of project approval.

As a result of the first round of funding, certain significant weaknesses in the program became apparent. There were a number of complaints regarding the ranking system, the use of computers, and the application of the law and regulations.

Based on the recommendations made by witnesses during hearings on the bill, a number of amendments, designed to improve the administration of the program with an objective of giving equitable treatment to all, were adopted.

Some of the changes adopted were as follows:

The provision requiring 70 percent of funds appropriated to go for projects of State and local governments having an unemployment rate in excess of the national rate and the remaining 30 percent to go to other areas was deleted.

The provision which permitted the Secretary to consider the unemployment in adjoining areas from which the labor force for a project may be drawn was repealed.

The time span for the unemployment data to be used in making grants was changed from the 3 most recent consecutive months to the 12 most recent consecutive months to avoid seasonal fluctuations.

Funding for Indian tribes was treated separately by providing up to 2½ percent of amounts appropriated for that purpose.

No force account projects were permitted under the program.

A provision similar to the current Buy American law was added to require the use of American materials and American-made articles on projects approved under the act.

Building project applications made after enactment of this bill that would result in conserving energy were to be given priority by the Secretary.

An additional change in the law increased the minimum which each State could receive from one-half of 1 percent to three-fourths of 1 percent.

When the bill was passed by the House on February 24, an amendment was adopted to insure greater participation by minority businesses. This amendment provided that, unless the Secretary of Commerce determines otherwise, 10 percent of each grant must be spent with minority-owned business enterprises.

After a protracted conference with the Senate, H.R. 11 was signed by the President on May 13, 1977 (Public Law 95–28). The same day, the President signed the economic stimulus appropriations bill that appropriated the additional funds authorized by H.R. 11 (Public Law 95–29).

Regulations to implement the second round of funding were published by the Economic Development Administration on May 27, 1977. Statutory and administrative changes resulted in somewhat different criteria to be used in the second round of funding. Applications were primarily limited to those currently on file with the Economic Development Administration that had not yet been funded. Unemployment data to be used for the second round of funding was an annual unemployment rate for the 12-month period ending February 28, 1977.

State allocations based on a new formula contained in the law were announced. This formula recognized both the number of unemployed persons and the severity of unemployment in areas having unemployment in excess of 6½ percent. In addition, applying the same formula, EDA announced substate planning targets. Substate planning targets were announced on June 9 for counties, primary cities, or balance of counties with an unemployment rate of at least 6½ percent, or the average for its State, whichever was lower.

EDA determined that each State government should receive approximately 8 percent of its State planning target for State projects in eligible project areas. State planning targets and area targets were based on the total $6 billion appropriation. Therefore, projects that had been funded in the first round were subtracted from funds available to localities for the second round of funding.

The planning target approach was used by EDA to determine project selection in the second round of funding. (This process replaced the formula ranking system used in the first round of funding for LPW projects.) Once planning targets were assigned to one of the sub-state regions based on its unemployment data, applications on file were updated to reflect new criteria of round II or in cases where there were an insufficient number of applications to utilize the planning targets, new applications up to that amount were permitted. One of the important new provisions of the extension legislation allowed local officials to submit their own project priorities.

Through the diligent efforts of the officials and employees of the Economic Development Administration, all funds authorized by the second round were obligated by September 30, 1977.

It is estimated that when this construction program is completed, it vill have constructed over 10,600 needed public works projects with a hort-term employment impact of at least 425,000 person years.

Title II of this act was intended to compel the President to carry ut the construction of projects listed in the Public Works for Water nd Power Development and Energy Research Appropriations Act, 977 (Public Law 94–355), and the Agriculture and Related Agencies Programs Appropriations Act, 1977 (Public Law 94–351). With the xception of the Meramec Park Lake project in Missouri, this act was o have the legal effect of disapproving any deferral of budget authority previously provided for the construction projects listed in the foresaid laws.

COMMUNITY EMERGENCY DROUGHT RELIEF ACT OF 1977

(Public Law 95–31)

In the recent years midwestern and western areas of the country ave experienced harmful shortages of rainfall. The result was a rought which severely reduced agricultural activities and caused idespread community water supply shortages.

Economic losses were high—crops were damaged, livestock lost, and mmunity water supplies cut off. Conservation of existing water lped but did not solve the problem.

Then existing Federal authorities provided assistance in those areas th the most serious problems. Elements of the disaster relief proam—small business authorities and agricultural programs—were ing utilized to the maximum extent feasible. Federal aid had already ached the billion-dollar level.

However, existing program authorities could not address all of the problems arising from this drought. Many smaller communities and small businesses needed assistance which was not currently available.

With these factors in mind, this legislation was sent to Congress as part of President Carter's drought relief package with the request that the legislation be enacted as quickly as possible. The act authorizes $225 million in grant and loan authority to the Economic Development Administration for assistance to communities of 10,000 or more population for drought-related water supply projects. The Federal assistance may be used for the improvement, expansion, or construction of water supplies which in the opinion of the Secretary of Commerce will make a significant contribution to the relief of an existing or threatened drought condition.

Of the $225 million in new authority, $75 million was in the form of grants not to exceed 50 percent of project costs. Loan assistance was made available in the amount of $150 million at 5 percent per annum for not more than 40 years. Eligible applicants are States, political subdivisions of States, Indian tribes, or public or private nonprofit organizations. Similar assistance for communities less than 10,000 is to be provided by the Farmers Home Administration.

DEEPWATER PORT ACT AUTHORIZATION

(Public Law 95–36)

Public Law 95–36 authorizes appropriations of $2,500,000 for each of fiscal years 1978 and 1979 for administration of the Deepwater Port Act of 1974 (Public Law 93–627). That act provides for Federal licensing and regulation of offshore ports designed to receive oil from vessels too large to enter conventional ports. It authorizes the Secretary of Transportation to license owners and operators and to issue regulations to control the location, construction, and operation of deepwater ports. It provides a mechanism for permitting the construction and operation of deepwater port facilities while insuring the protection of the marine and coastal environment and recognizing and protecting the interests of affected States.

The Deepwater Port Act of 1974 authorized appropriations of $2,500,000 per fiscal year through fiscal year 1977. Public Law 95–36 extends this authorization through fiscal year 1980.

Public Law 95–36 was jointly referred to the Committee on Public Works and Transportation and the Committee on Merchant Marine and Fisheries.

JOHN F. KENNEDY CENTER ACT AMENDMENTS

(Public Law 95–50)

This act authorizes to be appropriated to the Secretary of the Interior, acting through the National Park Service, not to exceed $4,700,000 for repair, renovation, and reconstruction of the John F. Kennedy Center for the Performing Arts to correct water leaks in the roof, the terraces, the kitchen, and the East Plaza Drive and to correct any damage which has resulted from those leaks. No contract shall be entered into for any property or services necessary to carry out this bsection unless such contract has been approved by the Board of rustees of the John F. Kennedy Center for the Performing Arts, d no final payment for such property or services shall be made under y such contract unless such payment has been approved by the oard.

The act stipulates that funds authorized for repair and reconstruc- n shall be expended under a contract only after advertising and mpetitive bidding for the property or services to be provided by ch contract.

Section 2 of this act amends subsection (e) of section 6 of the John Kennedy Center Act by authorizing to be appropriated to the Sec- tary of the Interior for services necessary to the nonperforming arts nctions of the John F. Kennedy Center for the Performing Arts million for the fiscal year ending September 30, 1978.

DISASTER RELIEF ACT AUTHORIZATION

(Public Law 95–51)

In the past, Congress has enacted a number of laws providing for aster relief. The culmination of these efforts was the Disaster Relief t of 1974, Public Law 93–288.

The Federal disaster relief program is designed to supplement the rts and available resources of State and local governments and untary relief organizations. The President's declaration of a "major aster" or an "emergency" authorizes Federal assistance under the aster Relief Act of 1974 and triggers other Federal assistance. The leral response is coordinated by the Federal Disaster Assistance ministration (FDAA) of the Department of Housing and Urban elopment.

Public Law 93–288 became effective on April 1, 1974. In the 3-year iod from that date to March 31, 1977, there were 109 Presidential jor disaster" declarations and 37 "emergency" declarations. Addi- ally, under section 417 of the act, provision of fire suppression stance was authorized by FDAA in 10 instances. The ultimate cost his assistance to the disaster relief fund is estimated at $717 ion.

ssistance authorized by the act may be classified under three broad gories: Assistance to individuals, assistance to State and local ernments, and preparedness assistance. Programs funded through authority of this act include: Temporary housing; disaster related nployment compensation; individual and family grants; legal aid disaster related problems; distribution of food commodities and ons; crisis counseling; relocation assistance; community disaster s; repair and restoration of public and private nonprofit facili- and debris removal from public and private property.

he Disaster Relief Act of 1974 authorized such sums as may be sary to carry out the Federal disaster program for a term of 3 s. That authorization expired in 1977. Public Law 95–51 extends uthorization for an additional year through fiscal year 1978. It authorizes emergency assistance by the Corps of Engineers for ght-stricken areas.

AUTHORIZATION FOR BRAZOS RIVER BASIN AND SAN JOAQUIN RIVER BASIN

(Public Law 95–104)

This act was an interim measure which allowed work to continue on water resources projects in the Brazos River basin in Texas and the San Joaquin River basin in California through the end of October 1977. Without this legislation in these basins the appropriations and expenditure limitations would have been reached. One out-of-funds notice had already been issued by the Corps of Engineers to a contractor in the Brazos River basin, and another would have been issued very shortly. The act provides increases in authorizations of $7.5 million for the Brazos and $6 million for the San Joaquin basin.

This act allowed work to continue in the Brazos and San Joaquin basins until more comprehensive legislation could be passed. Without the increased authorizations provided by this bill, work on projects in these two basins would have been stopped.

HUBERT H. HUMPHREY BUILDING

(Public Law 95–141)

Public Law 95–141 designates that the South Portal Federal Office Building of the U.S. Department of Health, Education, and Welfare, located at 200 Independence Avenue SW., in Washington, D.C., be known as the Hubert H. Humphrey Building.

Hubert H. Humphrey was born in Wallace, S. Dak., on May 27, 1911. He graduated from the Denver College of Pharmacy and received additional education at the University of Minnesota, where he earned his Phi Beta Kappa key. He continued his education at Louisiana State University, where he earned an M.A. in political science.

After serving as a professor of political science at Macalester College, he was elected mayor of Minneapolis in 1945 and again in 1947. In 1948 Hubert Humphrey was elected to the U.S. Senate and reelected in 1954 and 1960. In 1964 he was elected Vice President with President Lyndon Johnson. He continued to contribute to the health of American political life by returning to the United States Senate in 1970.

Through over three decades of public service, Hubert H. Humphrey was in the forefront of the struggle for social and economic justice. Many vital programs administered by the Department of Health, Education, and Welfare are here because of Hubert Humphrey's commitment to them, such as, Medicare, the Elementary and Secondary Education Act, the Community Mental Health Act, Head Start, and the Health Professions Scholarships Act.

FEDERAL AVIATION ACT OF 1958, AMENDMENTS

(Public Law 95–163)

The Aviation War Risk Insurance Program was authorized in 1951 (Public Law 82–47) and was based on the Maritime War Risk Insurance Program.

Under Public Law 82-47, the Secretary of Transportation issues two basic policies, premium and nonpremium. The Secretary is authorized, with the approval of the President, to provide war risk insurance for the protection of aircraft and of persons and property transported abroad them when commercial insurance cannot be obtained on reasonable terms and conditions from the insurance market. The program was designed for use by the Government to meet the needs of the United States.

Under the nonpremium program, a department or agency of the United States may, with the approval of the President, procure from the Secretary of Transportation war risk insurance. This insurance is provided without premiums and was provided to air carriers that have contracts with the Departments of Defense and State.

The premium program is intended to provide war risk insurance for U.S. carriers in addition to other available coverage. During periods of stability in the aviation insurance market "all risk" and "war risk" policies are available on reasonable terms. However, during periods of international crisis policies covering certain named war risks (any claim for loss or damage occasioned by war, hostilities, insurrection, or acts of foreign enemies), have been terminated or otherwise made unobtainable. Under this program premiums are set high enough so as not to discourage commercial insurance companies to reenter the market after a crisis has passed.

During the hearings in July 1975 the committee became aware that commercial insurance underwriters had drafted exclusions in their "all risk" policies following certain hijacking incidents and the Saigon evacuation, including losses and damage resulting from riots, civil disorders, hijacking, and other similar acts. This created the potential for gaps in air carriers' insurance coverage. The implications of U.S. carriers being unable to operate abroad due to a lack of 100 percent coverage caused the committee to include a provision n Public Law 94-90 requiring an investigation and study by the President of the need to extend present program coverage beyond the rea of what was then considered "war risks."

The Presidential study, received on March 22, 1976, and printed s House Document 94-414, recommended that the present program e expanded to authorize the Secretary of Transportation, after appropriate consultation with the Secretaries of State and Defense and ith the approval of the President in each case, to provide interim nsurance for air carriers—in addition to that for war risks—when ot available elsewhere and when required by reasons of foreign olicy for the continuation of a particular air service.

In February 1977 hearings were held on the 1976 Presidential udy, and the new administration supported the study's recommenations. The bill, as reported, accepts the premise of the study that e present program needs to be expanded to include risks not condered when the original program was enacted in 1951.

The act contains several safeguards to carry out the fundamental olicy that the Government should not provide insurance on a regular routine basis—that commercial problems should be solved by comercial entities. First, this remains a discretionary program—no air rrier has a right to the insurance of a policy. Second, the Secretary Transportation, before issuing a policy, must consult with such agencies as the President directs. Third, the President must approve the issuance of each policy, and such approval can only be given if the President finds that continuation of the flight or flights to be insured is necessary to carry out the foreign policy of the United States. Fourth, policies cannot be issued for periods exceeding 60 days—reissuance requires the same Presidential finding as to foreign policy.

U.S. Secret Service Uniformed Division

(Public Law 95-175)

This act extends the supervision of the U.S. Capitol Police to facilities leased by the Office of Technology Assessment at 600 Pennsylvania Avenue SE, Washington, D.C.

The Office of Technology Assessment staff are congressional employees and were previously housed in Senate and House facilities under the jurisdiction of the Capitol Police. The authority of the U.S. Capitol Police force is recognized as being restricted to the confines of the Capitol Building and Grounds. Therefore, since the premises at 600 Pennsylvania Avenue SE, Washington, D.C., currently leased by the Office of Technology Assessment are located outside the boundary limits of the Capitol Grounds, it was necessary to extend their supervision authority in order to provide the appropriate security and protection.

United States Secret Service Uniformed Division

(Public Law 95-179)

Public Law 95-179 designates that the Executive Protection Service be known as the U.S. Secret Service Uniformed Division.

The White House Police Force was formed in 1922 to protect the Executive Mansion and grounds. In 1970 the name of the White House Police was changed to the Executive Protective Service and their duties and jurisdiction were expanded to include responsibility for the protection of foreign diplomatic missions in the Washington metropolitan area.

The Executive Protective Service is an integral part of the protective operations of the U.S. Secret Service. In response to wishes of members of the Executive Protective Service who had expressed their desire to become more closely associated with the U.S. Secret Service, the name U.S. Secret Service Uniformed Division was selected as most representative of an entity within the Secret Service.

The name change has no effect on the jurisdiction, the pay scale, retirement benefits, or any other benefit of the Executive Protective Service. It is merely a name change of an already existing entity.

Air-Conditioning of Folger Shakespeare Library

(Public Law 95-182)

This act authorizes the Architect of the Capitol, under the direction of the House Office Building Commission, to furnish chilled water for air-conditioning from the Capitol Power Plant to the Folger Shakespeare Library on a cost-reimbursable basis.

Since 1954, pursuant to authority contained in Public Law 663, 83d Congress, the Architect of the Capitol has been furnishing steam from the Capitol Power Plant to the Folger Library on a cost-reimbursable basis. The Architect of the Capitol stated there will be ample capacity for the Capitol Power Plant to supply the chilled water requirements for the Folger Library upon completion of the current modifications and enlargement program at the Capitol Power Plant. That program is scheduled to be completed during calendar year 1979, at which time the Power Plant will provide 40,000 tons of air-conditioning capacity. Of this amount, the Folger Shakespeare Library will require a total of 300 tons of chilled water for air-conditioning.

The Folger Library is being renovated and an addition is planned for the facility. As a part of this program, the library contemplates a completely new air-conditioning system which is needed both for material conservation and user comfort. This act provides that the Folger Library will bear all costs of the necessary connections, and the Government will be reimbursed at rates, not less than cost, as determined by the Architect of the Capitol and approved by the House Office Building Commission for all chilled water supplied to the library.

EMERGENCY OPERATING ASSISTANCE—URBAN MASS TRANSPORTATION

(Public Law 95–187)

This legislation amends the Urban Mass Transit Act of 1964 in several ways. First, it extended the emergency rail passenger commuter service program authorized under section 17 of that act for 2 years at an annual level of $30 million, with a 50-percent Federal share. Second, it changed the Federal share from 50 percent to 80 percent for the 180 days of the program immediately preceding the new 2-year extension and eliminated an eligibility requirement for that portion of the program. The eligibility requirement was that any applicant must provide assurances that service receiving Federal assistance under the program must continue after the Federal assistance terminated. Third, it expanded the program to a national program by adding section 18 to the act. This new program was for 1 year at an authorization level of $20 million. Eligibility requirements were established, and limits were imposed on the amount of Federal assistance that could be given to any one applicant.

This legislation became law on November 16, 1977; however, it was superseded by section 5 of the Surface Transportation Assistance Act of 1978 (Public Law No. 95–599).

This was accomplished by amending section 5 of the Urban Mass Transportation Act of 1964. This amendment created a new commuter "rail-fixed" guideway program to replace the programs authorized under sections 17 and 18.

AUTHORIZATION FOR RIVER BASIN PLANS

(Public Law 95–189)

This act provides additional authorizations for appropriations for water resources projects of the Corps of Engineers in nine river basins. The projects to which the authorizations apply were underway at that time, and funds were appropriated for them for fiscal year

1978. However, because the appropriations limitations for these basins—which are also expenditure limitations—had been exhausted or were nearing exhaustion, additional authorizations were needed to ensure that construction would not be stopped.

Monetary authorizations were first put into effect by the Flood Control Acts of 1936 and 1938. They limit authority to appropriate and expend funds within specified basins or specified major projects to levels below the total costs of the authorized project or basin development. In this way they give the Congress the opportunity to review and control the rate of accomplishment of the basin plans and major projects to which they apply.

In these plans the Congress has approved an entire plan for development of a river basin in the interests of flood control, navigation, power, and allied water uses but limited the amount of funds to anticipated appropriations for a specified period of years, allowing accomplishment of only part of the plan. Subsequently the Congress has augmented some of the previously approved plans by authorizing additional projects, or modifications of projects, and increased the monetary authorizations to provide for additional appropriations. When the monetary authorization limit of a plan is approached, legislation is required to provide additional authorization so that appropriations can be made to permit the plan to continue. If such legislation is not forthcoming when needed, construction of projects in the basin plan cannot proceed even if funds have been included in appropriations acts for this purpose. At the present time there are 29 basin development plans subject to basin monetary authorization limitations.

Earlier in the year the House passed H.R. 5885 which authorized additional appropriations sufficient to carry affected river basins through fiscal year 1979. That bill was amended by the Senate and returned to the House. Since one of the Senate amendments concerned imposition of waterway user charges, a revenue raising measure which is required by the Constitution to originate in the House, no further action was taken on that bill. Instead, the House passed H.R. 8309 containing its own version of a waterway user fee. Senate action on that bill, including the addition of river basin authorizations, had not yet occurred. This act provided the necessary authorizations to insure that construction would not be stopped on any projects pending Senate action on H.R. 8309 and resolution of differences by House and Senate conferees.

APPALACHIAN CHILD DEVELOPMENT

(Public Law 95-193)

This act is an amendment to the Appalachian Regional Development Act that is a stopgap measure to meet a particular emergency and prevent child development centers from being closed. The amendment provides authority for up to an additional 2 years of transitional funding for child development demonstration programs authorized under section 202(c) of the Appalachian Act. Section 202(c) authorizes grant assistance for, among other things, innovative and comprehensive child development demonstration projects, but assistance under section 202(c) is limited to 5 consecutive years of operations.

The Appalachian Regional Commission and the Appalachian States have, as a matter of policy, required that demonstration projects funded under that program be designed to achieve financial self-sufficiency as soon as possible. The committee has supported this policy and its objective of establishing permanent child care and development programs without financial assistance from the Appalachian Regional Commission.

Despite this policy, however, a number of innovative child development centers had exhausted their 5 years of eligibility and had not yet been able to achieve financial self-sufficiency. In most of these cases, it had been expected that the projects would be able to qualify for assistance under other States and Federal programs, such as title XX of the Social Security Act.

The Subcommittee on Economic Development held a hearing on H.R. 8777 on October 13, 1977. The hearing showed that administrative difficulties with these other programs have prevented some meritorious child development centers from receiving such aid and that a transition period should be provided in order to keep these projects going until Federal and State programs can be modified and simplified so that worthy child development centers can receive assistance.

This act allows the Governors and the Commission to continue to support worthy projects which have tried to achieve self-sufficiency but have not been able as yet to qualify for other Federal and State assistance. It will protect good projects from being closed while other financing is arranged. The 2-year transition period will extend the demonstration period to the end of the current authorization for the Appalachian Regional Commission.

The act also directs the Appalachian Regional Commission and the Department of Health, Education, and Welfare to study the child development programs being assisted under the Appalachian Regional Development Act and to investigate the problems caused by reducing the funding provided by the Appalachian Regional Commission and recommend measures to insure that the Appalachian child development centers are eligible for other Federal grants that are available for these purposes.

Clean Water Act of 1977

(Public Law 95-217)

This act brings about far-reaching reforms of the Federal water pollution control program, including an intensified attack on toxic pollutants in the Nation's waterways.

The 5-year bill extends the grant program for construction of municipal sewage treatment works at a level of $4.5 billion to $5 billion a year and contains several key amendments to the landmark water pollution control law passed in 1972.

But its major provisions redirect the law's approach to industrial pollution, emphasizing control of toxics while avoiding "treatment for treatment's sake" in the case of less harmful pollutants where environmental benefits do not justify cost.

The first significant change in the water pollution control law in more than 5 years, the bill responds to several legal, technological, and administrative problems encountered in both the construction of treatment plants and regulation of industrial discharges.

Key provisions in the industrial area—and the entire bill—will enable the Environmental Protection Agency to control discharges of toxic pollutants more easily, adding pollutants to its toxic control list and developing standards ranging from their strict regulation to outright prohibition of their discharge.

Arising from a probe conducted by the House Public Works and Transportation Committee's Investigations and Review Subcommittee, this provision represents a response to EPA's procedural and legal difficulties which tied up the regulatory program in court and led to regulation of only six chemicals.

The bill's approach to less harmful conventional pollutants—largely biodegradable industrial discharges comparable to household waste matter—preserves 1977 treatment requirements in existing law with which an estimated 85 percent of industry is now in compliance.

Rather than move to a much more stringent level of treatment in 1983 as required by existing law, the bill established a new approach to industry's conventional-type waste to reflect the fact that higher water quality has been achieved under the 1977 requirements than expected.

Drawing on findings of the National Commission on Water Quality, the bill would require that higher levels of treatment be justified in terms of the higher cost involved.

At minimum, however, the higher 1983-type standards would apply to all toxic substances identified and regulated under the bill as soon as possible, with even more stringent requirements or "zero discharge" imposed if the hazards warrant.

For the remaining category of industrial discharges, known as nonconventional pollutants, 1938-type standards will be applied—subject to stringent waiver requirements—no later than 1987.

This will enable EPA's regulatory manpower to concentrate on toxics initially in compliance with the new legislation, then turn to other types of wastes classified as neither conventional nor toxic.

Also resolved in the bill is a controversy over the authority of the Corps of Engineers to regulate activities affecting wetlands, striking a balance between environmental protection and concern that overregulation not result.

The bill clarifies the extent of Corps authority, specifically exempts certain farming, ranching, and forestry activities; authorizes "general" permits on a statewide, regional, or national basis to reduce redtape, and provides for exercise of State regulatory authority over certain waters.

Certain Federal projects specifically authorized by Congress on an individual basis would be exempt from Corps or State permit authority provided the impact of dredge and fill activities involved was evaluated in an environmental impact statement.

In the area of municipal sewage plan construction, one key reform provides for the delegation of routine management authority over day-to-day operation of the program in terms of development and evaluation of grant applications to qualified States.

A 2-percent set-aside of a State's construction funds are available for this and related purposes, enabling States to strengthen and expand their pollution control agencies and thus improve controls over construction and speed completion of treatment facilities.

Also designed to speed construction is a provision enabling two of the three steps in the grant application process to be combined in the case of projects of small communities.

States also are given greater authority over establishment of priorities among various categories of treatment plants and such related facilities as interceptor and collector sewers eligible for 75 percent Federal funding.

Two provisions in the act deal with reserve capacity—the sizing beyond current need—of treatment plants and interceptor sewers eligible for Federal funding and the eligibility of collector sewers.

To prevent expenditure of Federal water pollution control funds in ways leading to excessive or unintended growth on one hand, while avoiding needless restrictions on development on the other, the act provides:

> Collector sewers will be eligible for continued Federal assistance to the extent that they serve existing communities.
>
> The amount of reserve capacity provided by treatment plants and interceptor sewers eligible for funding will be limited to the amount needed to serve development projected by officially adopted municipal or areawide plans or other projections developed in connection with a proposed project.

One municipal provision, widely hailed by a coalition of environmental groups, fosters innovative technology and alternatives—such as land treatment of sewage—to conventional systems of treatment.

Communities applying for funding under this provision which emphasize recycling, reclaiming, and reuse of water would be eligible for 85 percent Federal share of project costs, which are otherwise limited to 75 percent in the case of conventional treatment.

The act also provides for a set-aside of funds for small communities in rural States to emphasize use of nonconventional methods of treatment.

A provision in existing law requiring industries to pay proportionately for the Federal share of capital cost of constructing plants into which they discharge their wastes would be suspended for 18 months to permit congressional consideration of a 12-month study of the impact of this requirement.

In the case of requirements for payment of charges for operation and maintenance of municipal treatment works, the act authorizes the use of ad valorem taxes for residential and small nonresidential establishments, and user charges on industry based on volume and characteristics of waste produced.

In recognition of the fact that only 35 percent of municipalities have met 1977 requirements for secondary sewage treatment, the act provides for time extensions where Federal funds have been unavailable and compliance otherwise could not be achieved.

Industries planning to have their wastes treated by municipal treatment works in this category could be granted extensions.

The 1977 requirement for municipal secondary treatment could be waived in the case of communities discharging their wastes into deep ocean waters after primary treatment.

AIRCRAFT REGISTRATION

(Public Law 95–241)

This act amends section 501(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(b)), to clarify that aircraft registered by "citizens of the United States," as that term is defined in section 101(14) of the Federal Aviation Act, are not required to be based and primarily used in the United States in order to be eligible for registration.

On November 9, 1977, the President signed Public Law 95-163 which, among other things, amended section 501(b) of the Federal Aviation Act to expand the aircraft registration eligibility criteria to include aliens admitted for permanent residence in the United States and corporations of the United States or a State thereof which are controlled by persons not meeting the citizenship test. The Federal Aviation Act defines "Citizen of the United States" as follows: Section 101(14): "Citizen of the United States" means (a) an individual who is a citizen of the United States or one of its possessions, or (b) a partnership of which each member is such an individual, or (c) a corporation or association created or organized under the laws of the United States or of any State, territory, or possession of the United States, of which the president and two-thirds or more of the board of directors and other managing officers thereof are such individuals and in which at least 75 percent of the voting interest is owned or controlled by persons who are citizens of the United States or one of its possessions.

The language of Public Law 95–163 provides that where corporate ownership is involved, an aircraft has to be "based and primarily used" in the United States in order to be eligible for registration. Although that test was intended to apply only to corporations controlled by non-U.S. citizens, the language was interpreted to include corporations controlled by U.S. citizens as well. This led to the undesirable result that existing corporations having aircraft registered prior to Public Law 95–163 found themselves in a situation where the validity of the existing registration of certain aircraft was in question.

This act clarifies the original intent by applying the "based and primarily used" test established by Public Law 95–163 only to those aircraft registered by corporations controlled by persons not meeting the Federal Aviation Act citizenship test. Aircraft owned by corporations meeting the U.S. citizenship test are, in effect, placed in the same situation which existed prior to enactment of Public Law 95–163.

IMPROVED CARGO AIR SERVICE

(Public Law 95–245)

This act improves air cargo service by permitting supplemental air carriers to obtain, at an early date, certificates to provide scheduled all-cargo service.

It is an amendment to the cargo deregulation provisions of Public Law 95–163. Public Law 95–163 established regulatory reform for all-cargo air service in two phases. No later than 105 days after enactment new all-cargo certificates authorizing all-cargo service between domestic cities and to Puerto Rico and the Virgin Islands would be awarded to scheduled air carriers and commuter air carriers who have provided scheduled all-cargo service at any time during the 12 months preceding enactment. One year after enactment such all-cargo certificates would be awarded to any applicant which the Board finds to be fit, willing, and able to provide the proposed service.

Under this phased approach to regulatory reform, supplemental air carriers would not be able to obtain all-cargo certificates until the second phase. Public Law 95-245 changes the position of the supplementals and allows them to obtain all-cargo certificates in the first phase. Any supplemental carrier which has operated any all-cargo charters, domestically or internationally, between January 1, 1977, and the date of enactment would be eligible.

The act moves the supplementals to the first phase because the committee believes that supplementals can make a valuable contribution in improving air-cargo service for the public. The supplementals have been pioneers in the development of all-cargo equipment, most notably the freighter versions of the Boeing 707, the Boeing 747, and the McDonnell Douglas DC-10. Supplementals have a substantial cargo lift capability which they can be expected to use to provide needed scheduled all-cargo service.

Additionally, the exclusion of the supplementals from the first phase of regulatory reform could have an adverse economic impact on these carriers. Some supplementals have specialized in all-cargo charter service and new scheduled all-cargo service under regulatory reform could divert substantial traffic from these supplemental carriers.

RIVER AND HARBOR WORK BY CONTRACT

(Public Law 95-269)

The Corps of Engineers first became involved in water resources development in 1824 when it was authorized by the Congress to remove sandbars and snags from major navigable rivers. The improvement of rivers and harbors for the purpose of navigation remains today a major element of the corps overall water resources development program. A large part of this work involves dredging, both for initial project construction and for subsequent maintenance of project depths. Around the turn of the century virtually all of the corps' dredging work was performed with its own equipment, or plant as it is usually called.

Legislation applicable to the corps' dredging program (33 U.S.C. 622) provides that:

> * * * In all cases where the project for a work of river or harbor improvement provides for the construction or use of Government dredging plant, the Secretary of the Army may, in his discretion, have the work done by contract if reasonable prices can be obtained.

Other applicable legislation (33 U.S.C. 624) provides that:

> No part of the funds appropriated for works of river and harbor improvement shall be used to pay for any work done by private contract if the contract price is more than 25 per centum in excess of the estimated cost of doing work by Government Plant * * *

The purpose of this act is to establish a policy with regard to the respective roles of the Corps of Engineers and private industry in meeting the national dredging needs and to clarify the procedure to be utilized in preparing the Government estimate of the cost of performing work for purposes of comparison with contractors' bids.

With regard to the former, the Corps of Engineers stated in a letter dated April 26, 1977, to this committee that it believes its principal reliance should be on private industry to perform required Federal dredging and that a healthy and profitable dredging industry is necessary to insure the economical and timely execution of the program. It therefore instituted the "testing of the market" program to determine the feasibility of increased reliance upon private industry. It further stated its intention to gradually reduce the current corps-owned dredge fleet to a minimum fleet configuration as industry demonstrates its capability to perform the work which requires specialized dredging equipment.

One of the primary purposes of this program is to induce industry to build modern, technologically advanced equipment. The information developed by the committee in its hearings on this bill, however, is that without the assurance provided by a legislative declaration of policy, as opposed to one established by agency regulation, the necessary incentive to private industry to undertake the expenditure of large sums of money will simply not exist. Accordingly, this act establishes the policy that dredging work should be accomplished by contract while at the same time protecting the interests of the Federal Government.

LAKE HERBERT G. WEST

(Public Law 95-285)

The purpose of Public Law 95-285 is to designate the lake located behind Lower Monumental lock and dam, Wash., as Lake Herbert G. West.

The lake located behind the Lower Monumental lock and dam in Washington is part of a project authorized by the act of March 2, 1945—Public Law 79-14. The dam is located 41.6 miles upstream from the mouth of the Snake River. The lake created by the dam has a surface of about 6,600 acres and extends commercial navigation upstream about 29 miles to Little Goose lock and dam.

Mr. Herbert G. West, Sr., was a long-time resident of Walla Walla, Wash., who was instrumental until his death in 1974 in waterways and water resources development both in the region and the Nation as a whole. Mr. West was one of the founding fathers of the former Inland Empire Waterways Association—now the Pacific Northwest Waterways Association—and served as its executive vice president from its inception in 1934 to his retirement in 1967.

Mr. West has been honored by local and regional organizations and has received national accolades and recognition including election to boards on the National Rivers and Harbors Congress and the National Waterways Conference. In 1969 the Department of the Army awarded Mr. West a certificate of appreciation for patriotic civilian service, and again in 1968, bestowed upon him the Civilian Service Medal for outstanding service over the preceding decade.

The tireless efforts of Herbert G. West over the last 30 years of his lifetime reaped great benefits for the region and the Nation.

In recognition of this, Public Law 95-285 names a lake situated in the region he loved so well for him to serve as a lasting memorial to his distinguished contributions and service.

Mike Monroney Aeronautical Center

(Public Law 95-296)

Public Law 95-296 designates that the Federal Aviation Administra-
n Aeronautical Center located in Oklahoma City, Okla., be known
the Mike Monroney Aeronautical Center.

Congressman Mike Monroney was born in Oklahoma City, Okla.,
March 2, 1902. He attended public schools and was graduated from
University of Oklahoma in 1924 and then served his community as
ournalist and in private enterprise. In 1939 he was elected to the U.S.
use of Representatives, where he served with distinction until his
ction in 1959 to the U.S. Senate. He continued to represent the people
Oklahoma in the Senate for 18 years.

John F. Kennedy Center Authorization

(Public Law 95-305)

ection 10 of the Public Building Amendments of 1972 (86 Stat.
,222) approved June 16, 1972, added a new subsection (3) to section
f the John F. Kennedy Center Act, as amended. The new subsection
ected the Secretary of Interior, acting through the National Park
vice, to provide maintenance, security, information, interpretation,
itorial, and all other services necessary to the nonperforming arts
ctions of the John F. Kennedy Center for the Performing Arts. It
horized such sums as may be necessary to carry out these functions
only for the fiscal year ending June 30, 1973. Subsequent acts of
Congress have amended that subsection to provide funds through
al year 1978.

his act authorizes appropriations to the Secretary of the Interior
services necessary to the nonperforming arts functions of the John
Kennedy Center for the Performing Arts in the amount of $4,200,-
for the fiscal year ending September 30, 1979.

Federico Degetau Federal Building

(Public Law 95-324)

his act designates the Federal building and U.S. Courthouse lo-
d on Carlos Chardon Street, Hato Rey, P.R., as the Federico De-
u Federal Building.

ederico Degetau was born in Ponce, P.R., on December 5, 1862. He
nded the public schools, the Colegio Central in Ponce, and com-
ed an academic course at Barcelona, Spain. Degetau studied law
everal universities in Spain and in 1888 he received a law degree
n the Central University in Madrid. He was admitted to the bar
commenced practice in Madrid.

n November 6, 1900, Degetau was elected first Resident Commis-
er from Puerto Rico to the U.S. House of Representatives. As Res-
t Commissioner under the Foraker Act of 1900, he had neither
e nor vote, since he had no floor privileges. In 1901, he was admit-
to the U.S. Supreme Court bar. Among his achievements while in
e was his testimony before the House Committee on Insular Af-
s which gained floor privileges for the position of Resident Com-

missioner. His services until 1905 contributed to the importance and effectiveness of the office of the Resident Commissioner in representing the people of Puerto Rico in the U.S. Congress. He renewed the practice of law and died at the age of 51 years in Santurce, P.R., on January 20, 1914.

CHET HOLIFIELD BUILDING

(Public Law 95-340)

Public Law 95-340 designates that the Federal building located at 2400 Avila Road, Laguna Niguel, Calif., be known as the Chet Holifield Building.

Congressman Chet Holifield was born in Mayfield, Ky., on December 3, 1903. He was educated in the public schools of Arkansas and has resided in California since 1920. He has served his community, his State, and his country for many years.

Chet Holifield was first elected to Congress in November 1942, and he served with distinction in the House of Representatives for 32 years. He was entrusted by the House with a great many responsibilities, among them chairman in the 87th, 89th, and 91st Congresses, and vice chairman in the 88th and 90th Congresses of the Joint Committee on Atomic Energy; chairman, House Committee on Government Operations; chairman, Subcommittee on Legislation and Military Operations, House Committee on Government Operations; and member, House Committee on Standards of Official Conduct.

AUTHORIZATIONS FOR INDEPENDENT SAFETY BOARD ACT OF 1974

(Public Law 95-363)

This legislation amends the Independent Safety Board Act by authorizing appropriations for fiscal years 1979 and 1980, at levels of $16,420,000 and $17,650,000, respectively.

The legislation became law on September 11, 1978.

It should be noted that although the Committee on Public Works and Transportation favorably reported this legislation, it did so for only fiscal year 1979 (H. Rept. No. 95-1169, part I). This action was prompted by the committee's chagrin at the Board's failure to expand its surface transportation activities and staff and its failure to carry out certain oversight duties. (See H. Rept. No. 95-1169, part I.) Subsequently, the House concurred in a Senate amendment which added an authorization for appropriations for fiscal year 1980. This amendment was agreed to on the condition that the committee would review the Board's activities in 1979 in order to ascertain whether the Board was carrying out the activities mandated by the committee and which are set forth in the committee's report.

AUTHORIZING APPROPRIATIONS UNDER THE HAZARDOUS MATERIALS TRANSPORTATION ACT

(Public Law 95-403)

This act authorizes appropriations of $5 million for fiscal year 1979 to carry out the Hazardous Materials Transportation Act. The hazardous materials transportation safety program is an outgrowth of legislation and practical experience over many decades. On January 3, 1975, the President signed into law the Transportation Safety Act of 1974, Public Law 94-633. Title I of this act is the Hazardous Materials Transportation Act, which enables the Secretary of Transportation to consolidate regulatory and enforcement authority over transportation of hazardous materials in commerce. This legislation removed some previous statutory delegations to the Department of Transportation's (DOT) operating administrations and led to the creation of the Materials Transportation Bureau (MTB) as the coordinating agency for most of the hazardous materials transportation safety program.

This legislation was ordered reported by the Committee on Interstate and Foreign Commerce on April 25, 1978. Subsequently, on May 10, 1978, the Committee on Public Works and Transportation ordered the legislation reported, and, by letter, it notified the former committee of its action.

The legislation was reported on May 15, 1978 (H. Rept. 95-1170) and became law on September 30, 1978.

Glenn Cunningham Lake and Standing Bear Lake

(Public Law 95-413)

Both Irvington Lake and Military Lake are located within the Papillion Creek basin project in Douglas County, Nebr.

Glenn Cunningham has spent nearly all of his adult life in civic and governmental work. A graduate of the University of Omaha, he served as executive secretary of the Omaha Junior Chamber of Commerce from 1940 to 1941 and held numerous other civic posts. He was elected mayor of Omaha in 1948 and was reelected in 1951. The recipient of many awards and accolades, Mr. Cunningham distinguished himself as a Member of the U.S. House of Representatives during the 85th through 91st Congress. He was instrumental in the passage of the Papillion Creek project of which Irvington Lake is a part.

Standing Bear was chief of the Ponca Indian Tribe whose homeland was near the mouth of Niobrara River in southern Dakota. The tribe was removed to an Indian reservation in Oklahoma in 1877. In an attempt to return to his homeland to bury his son, he was arrested near Fort Omaha in northeast Nebraska in March of 1879.

Much publicity had followed Standing Bear's arrest and a writ of habeas corpus was brought for his release in Lincoln, Nebr. *United States ex rel. Standing Bear* v. *Crook* (25 F. Cas. 695 (No. 14,891) (C.C.D. Neb. 1879)) stands as a case of first impression and is a milestone in Indian rights. For the first time the court held that—

> * * * an Indian is a person within the meaning of the laws of the United States, and has therefore the right to sue out a writ of habeas corpus in Federal court or before a Federal judge, in all cases where he may be confined, or in custody under color of authority of the United States, or where he is restrained of liberty in violation of the Constitution or laws of the United States.

Standing Bear was freed and allowed to return to northeast Nebraska.

E. C. "Took" Gathings Building

(Public Law 95-418)

Public Law 95-418 designates the Federal building located at 615 South Main Street in Jonesboro, Ark., as the E. C. "Took" Gathings Building.

Congressman Exekiel Candler "Took" Gathings was born in Prairie, Monroe County, Miss., on November 10, 1903. He attended public schools and the University of Arkansas, from which he received his law degree in 1929.

He had a distinguished career of civic service and public office, including his service as a State senator from 1935 to 1939. He served in the U.S. Congress from 1939 until 1969, representing the First Congressional District of Arkansas. He is particularly remembered in the Congress for his years of expert service on the Committee on Agriculture.

TERMINATING AUTHORIZATION OF NAVIGATION PROJECT ON COLUMBIA SLOUGH, OREG.

(Public Law 95–489)

This act came about as a result of a unanimous-consent request that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 13803) to terminate the authorization of the navigation project on the Columbia Slough, Oreg.

The act deauthorizes the navigation project on the Columbia Slough which was authorized in 1950. Deauthorization was supported by all of the members of the Oregon congressional delegation in the House and the Senate, by the city of Portland, the county of Multnomah, and the Port of Portland. It was opposed by some members of a yacht club and some landowners along the slough, but even though authorized since 1950, it was a project upon which no work had been commenced.

The full committee took action vacating their legislative authority and supported the unanimous-consent request.

LOCK AND DAM 26 AND WATERWAY USER CHARGES

(Public Law 95–502)

This act was the culmination of years of work to effect the replacement of lock and dam 26, near Alton, Ill. The final act, 95–502, developed from various pieces of legislation offered in both Houses.

The Subcommittee on Water Resources held hearings on H.R. 5885, authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes, on April 25, 1977.

The subcommittee approved H.R. 5885 for full committee consideration on April 28, 1977, and full committee approved H.R. 5885, amended, May 10, 1977. H.R. 5885 was reported to the House on May 12, 1977 (H. Rep. 95–300). H.R. 5885 passed the House under suspension of rules on May 17, 1977.

The Senate Committee on Environment and Public Works and Senate Committee on Commerce, Science, and Transportation, in the meantime, on May 15, 1977, jointly reported S. 790, Navigation Improvement Act of 1977 (containing language on locks and dam 26 and users fees) to the Senate. Also on May 16, 1977, the Senate Committee on Environment and Public Works reported S. 1529, Water Resources Development Act of 1977 and River Basin Monetary Authorization Act of 1977, to the Senate.

On June 22, 1977, the Senate took up H.R. 5885 and passed it, after
ending it to contain the language of S. 1529 (as amended during
ate debate to include the language of S. 790 as well as other pro-
ons). The Senate insisted on its amendments and asked for con-
ence and appointed conferees.

ince the Senate amendment included a provision for water user
rges, the House decided to take no further action on H.R. 5885.
House deemed the Senate action to have violated article I, sec-
7 of the Constitution, which states that "all bills for raising reve-
s shall originate in the House of Representatives."

he Subcommittee on Water Resources held hearings concerning
replacement of locks and dam 26 at Alton, Ill., on June 14, 15, and
1977. H.R. 8309 was introduced on July 14, 1977, and jointly re-
ed to the Committees on Public Works and Transportation and
ys and Means. The Subcommittee on Water Resources approved
I (authorizing construction of locks and dam 26) and title III
recting a study be undertaken concerning the effect of user charges
appropriate levels for future user charges) of H.R. 8309 on
y 19 and the full Committee on Public Works and Transporta-
approved title I and tile III of H.R. 8309 on July 20. Title II
posing a fuel tax of 4 cents a gallon beginning on October 1, 1979,
6 cents a gallon after October 1, 1981) of H.R. 8309 was approved
Ways and Means Committee on July 26, 1977, and both committees
orted H.R. 8309 on July 28, 1977 (H. Rep. 95–545).

he House passed H.R. 8309 on October 13, 1977. As passed, H.R.
, the Navigation Development Act, authorized the replacement
ocks and dam 26, imposed a fuel tax on commercial users on the
nd waterways, and called for a comprehensive study of the effects
ser charges and their proper scope and amount.

n May 4, 1978, the Senate passed H.R. 8309, amended by the addi-
of title IV, containing water resources project authorizations and
r matters relating to the water resources program of the Corps
ngineers and several other titles including miscellaneous matters.
IV was, in effect, a water resources development bill. The Senate
sted on its amendments, asked for a conference, and appointed
ferees.

R. 13059 was then prepared and introduced as a vehicle for House
lic Works and Transportation hearings on water resources proj-

he Subcommittee on Water Resources marked up H.R. 13059 on
31, 1978. Full committee marked up on August 2, 1978 and
red the bill reported.

R. 13059 was passed by the House on October 4, 1978 (303 to 73)
pursuant to the rule, House Resolution 1325, passage was vacated
language of H.R. 13059, as passed, became a new title of H.R.
; the House insisted on its amendments requested a conference
appointed conferees.

n October 10, 1978, during consideration of H.R. 8533, an un-
ted bill, Senator Russell Long of Louisiana introduced an amend-
which included the following provisions:

1. authorized replacement of locks and dam 26;
2. provides for development of management plan for Upper
Mississippi River system;

3. imposes a tax on fuel used by commercial vessels; (4 cents a gallon—October 1980 to September 30, 1981; 6 cents a gallon—October 1, 1981 to September 30, 1983; 8 cents a gallon—October 1, 1983 to September 30, 1985; 10 cents a gallon—after September 30, 1985.)

4. provides for study with respect to designated inland and intracoastal waterway user taxes and charges.

The amendment was accepted by the Senate and the bill was passed as amended. H.R. 8533 was approved by the House on October 13, 1978, and was subsequently approved by the President on October 21, 1978.

AIRLINE DEREGULATION ACT OF 1978

(Public Law 95–504)

This act brings about major restructuring of Federal aviation regulations to permit greater price and route competition among the Nation's commercial airlines. The bill, titled "Airline Deregulation Act of 1978," mandates the first substantial change in the Government's aviation control structure since it was established in 1938.

In addition to clearing the way immediately for more open competition among the commercial carriers, the act phases out the Civil Aeronautics Board over the next 7 years and abolishes the regulatory agency entirely by the end of 1985, unless Congress agrees before that date to continue it in some form.

The system of government regulation established by Congress with the creation of the CAB in 1938 has remained substantially unchanged for the past 40 years, despite sweeping changes in aviation technology and in public traveling preferences.

A key provision of the new act permits any certificated interstate carrier or large intrastate airline to enter one new market a year until the close of 1981 without having to seek CAB approval, as previously required. However, each existing carrier holding CAB certification for interstate operations may protect any one of its markets in each year by designating it as ineligible for automatic entry.

The CAB is directed to report back to Congress by December 31, 1980, on the effect of the automatic entry provision.

Another competition-fostering provision provides that any unused, or dormant, route may be taken over by any carrier that demonstrates its readiness and ability to do so. The dormant route would be granted automatically to the first airline that applies within 30 days after the market is officially declared dormant.

The CAB is empowered to declare any route dormant and open to entry by a new carrier if the airline holding that route fails to provide service 5 days a week for at least 13 weeks of any 26-week period following enactment of the bill.

Industry and government officials estimate that more than 22,000 routes could be considered dormant at present under that definition, although only a small percentage would be regarded as potentially profitable targets for takeover.

A third liberalizing provision of the new act permits airlines to cut fares and shipping rates by as much as 50 percent without having to ask for CAB approval. It also allows the CAB to authorize even steeper rate reductions, and permits the carriers to raise their rates independently in competitive markets by as much as 5 percent a year.

To protect small communities against loss of air service as a result of regulatory changes, the act authorizes Federal subsidies to help commuter airlines that take over such service and requires a study by the CAB and the Department of Transportation into the feasibility of State and local governments sharing part of the subsidy cost. The study must be completed and delivered to Congress by January 1, 1980.

Small communities now receiving air service are guaranteed coninued service for 10 years, with commuter subsidies where necessary.

The act also provides up to 6 years of salary protection for airline employees below the management level who may lose their jobs as a result of the legislation, the benefits to be paid initially by the employer and reimbursed by the U.S. Treasury.

New restrictions also are placed on the Mutual Aid Pact under which 15 major airlines now contribute to some of the operating costs of any strikebound member for as long as 10 weeks. Any such benefits paid after enactment of the legislation would be limited to no more than 0 percent of the struck carrier's operating expenses, would be payable for a maximum of 8 weeks, and would not begin until at least 30 days after the start of the strike.

The act also stipulates that a struck airline, to be eligible for assistnce under the aid pact, must submit the issues in dispute to binding arbitration if the employees ask for arbitration.

In international route decisions the act provides that the President can use his authority to disapprove of CAB rulings only on the basis of oreign relations or national defense considerations and not on ecoomic grounds.

The so-called sunset provision phasing out the CAB over a 7-year eriod terminates the agency's authority over airline routes as of December 31, 1981, and its rate authority as of January 1, 1983.

The CAB is ordered to submit a report to Congress by January 1, 1984, presenting its recommendations as to whether it should be connued in one form or another after the January 1, 1985, deadline for its ermination. If the agency is abolished, its functions would be distribted among the Justice and Transportation Departments and the U.S. ostal Service.

Lake Moomaw

(Public Law 95–518)

This act designates Gathright Lake on the Jackson River, Va., as ake Moomaw.

The Gathright Dam and Reservoir project is located in Alleghany ounty, Va., and is scheduled to begin operation in 1979.

Mr. Benjamin C. Moomaw, Jr., died on March 12, 1978, at the age of 6. For the past 30 years he has devoted his efforts to obtain the conruction of a dam and lake near Richmond, Va. His efforts and those other concerned citizens were instrumental in securing the authoriion and construction of Gathright Dam. Known throughout the area "Mr. Ben," his work on behalf of this project is well known throught Virginia.

FREDERICK G. PAYNE BUILDING

(Public Law 95-522)

Public Law 95-522 designates the post office and Federal building located at 151 Forest Avenue, Portland, Maine, as the "Frederick G. Payne Building."

The late Frederick G. Payne was born in Lewiston, Maine, on July 24, 1904. He attended public schools in Lewiston and later studied at the Bentley School of Accounting and Finance in Boston. He had a distinguished career in public service as well as in private enterprise. From 1935 to 1941 he served as mayor of Augusta, Maine, and from 1940 to 1942 he served as Maine Commissioner of Finance and Director of Budget. From 1942 to 1945 he served in the U.S. Air Force. He served from 1949 to 1953 as Governor of Maine and from 1953 to 1959 as U.S. Senator from Maine. In the Senate, he was particularly noted for his service on the Committee on Banking and Currency and the Committee on Interstate and Foreign Commerce and for his interest in legislation for the protection of small industries and for aid for the blind and elderly.

CHARLES A. LINDBERGH FEDERAL BUILDING

(Public Law 95-525)

Public Law 95-525 designates the new Terminal Radar Approach Control Federal Building located on Steward Avenue, Hempstead, Long Island, N.Y., as the "Charles A. Lindbergh Federal Building."

Charles A. Lindbergh was one of America's greatest aviation heroes. In one courageous flight, the first solo nonstop trans-Atlantic flight, he became an enduring symbol of American individualism and announced to the world the coming preeminence of American aviation.

The late Charles Augustus Lindbergh, born in 1902, had an early career as a stunt pilot and as an airmail pilot. At the age of only 25, on May 20, 1927, Lindbergh took off from Long Island, N.Y., in the "Spirit of St. Louis" on his historic flight to Paris.

WILLIAM L. SPRINGER BUILDING

(Public Law 95-527)

Public Law 95-527 designates the Federal building located at 202 West Church Street in Champaign, Ill., as the "William L. Springer Building."

Congressman William L. Springer was born in Sullivan, Ind., on April 12, 1909, and was educated in the public schools of Sullivan. He graduated from DePaul University in 1931 with an A.B. and from the University of Illinois Law School in 1935 with an LL.B.

He was admitted to the bar in 1935 and commenced the practice of law in 1936 in Champaign, Ill. He served as the State's attorney of Champaign County from 1940 to 1942 and then served in the U.S. Navy until 1945. After World War II, he was county judge of Champaign County from 1946 until 1950.

He was elected to the U.S. Congress in 1950 and served in the Congress until 1972. He is particularly remembered from his work as ranking minority member of the Committee on Interstate and Foreign Commerce.

OMAR BURLESON FEDERAL BUILDING

(Public Law 95–528)

Public Law 95–528 designates the U.S. post office and courthouse located at 341 Pine Street in Abilene, Tex., as the "Omar Burleson Federal Building."

Congressman Omar Burleson was born in 1906 in Anson, Tex. He has a long and distinguished career in public service. He served as a county attorney and a county judge for Jones County, Tex. Later he was a special agent with the Federal Bureau of Investigation. During World War II he served 3 years in the U.S. Navy.

He was elected to the 80th Congress in 1946 and was reelected to each successive Congress. He announced his retirement from the Congress at the end of the 95th Congress. He has long been noted for diligent work on the Ways and Means Committee and has more recently joined the Budget Committee as well.

The act takes effect on January 4, 1979.

GEORGE MAHON BUILDING

(Public Law 95–529)

Public Law 95–529 designates the Federal building, U.S. post office and courthouse located in Midland, Tex., as the "George Mahon Federal Building."

Congressman George Mahon, who in 1978 served his 44th year in Congress, was born on September 22, 1900, near Haynesville, La. He attended rural schools, later graduating from Simmons College (now Hardin-Simmons University) in Abilene, Tex. In 1925 he earned his law degree from the University of Texas.

Mr. Mahon began his public service career in 1927 after being elected county attorney of Mitchell County. Later that year he was appointed district attorney of the 32d judicial district and was elected to that post in 1928, 1930, and 1932. He served in this capacity until 1934 when he was elected to the 74th Congress as the first Representative of the newly formed 19th Congressional District.

Congressman Mahon became a member of the Appropriations Committee in 1939 and chairman of the Defense Appropriations Subcommittee in 1949. He was elected chairman of the Appropriations Committee in 1964 and has served longer continuously in that capacity than any Member in the history of Congress. Senior in point of service in the entire Congress, Mr. Mahon announced his retirement at the end of the 95th Congress.

Mr. Mahon became a member of the Department of the Army Appropriations Subcommittee in 1940 and in that capacity cooperated in providing the funds and maintaining the secrecy for the development of the atomic bomb. He served as chairman of the Joint Senate-House Committee on Reduction of Federal Expenditures; as a member of the President's Commission on Budget Concepts; as a member of the Joint Senate-House Study Commission on Budget Control; and is currently a member of the Board of Regents of the Smithsonian Institution of Washington, D.C.

This act takes effect January 4, 1979.

LESLIE C. ARENDS BUILDING

(Public Law 95–531)

This act designates the Federal building located at 1511 East Empire Street in Bloomington, Ill., as the "Leslie C. Arends Building."

Mr. Arends was first elected to Congress in 1934, and he served a total of 20 consecutive terms (1935–1975), spanning the administrations of seven Presidents. For 38 of the 40 years Mr. Arends served the 17th Illinois Congressional District. Due to redistricting in 1972, he served the 15th Congressional District during his final term.

In 1943, Mr. Arends was elected by his Republican colleagues in the House of Representatives as Republican whip. He was reelected to this major Republican House leadership position in each succeeding Congress, serving a toal of 32 years as Republican Whip. As Republican whip, Mr. Arends acted as assistant Republican floor leader, exerting major influence in the determination of Republican policy and strategy on all legislation coming before the House of Representatives. In addition, he served as a member of the House Republican Policy Committee, the House Republican Committee on Committees, and chairman of the Illinois House Republican delegation. Mr. Arends also was senior minority member of the Armed Services Committee since its creation in 1947 as the result of combining the old Committees on Military and Naval Affairs.

Mr. Arends was born and reared in Ford County, Ill., a rural area in east-central Illinois, where he still maintains a home and supervises the operation of his farm properties. In addition to his keen interest in agriculture, Mr. Arends served as president of the Commercial State Bank of Melvin, Ill., until 1949. He attended Oberlin College, is trustee emeritus of Illinois Wesleyan University from which he holds an honorary doctor of laws degree, is a member of the United Methodist Church in Melvin, and a 33d degree Mason. A Navy veteran, Mr. Arends has taken an active interest in the welfare of veterans and their dependents. Prior to his election to Congress, he was a district commander of the American Legion in Illinois.

PAUL G. ROGERS FEDERAL BUILDING

(Public Law 95–532)

This act designates the Federal building located at 700 Clematis Street, West Palm Beach, Fla., as the "Paul G. Rogers Federal Building."

Congressman Paul Rogers was born in Ocilla, Ga., on June 4, 1921, and is the son of the late Dwight L. Rogers, first Congressman of the Sixth Congressional District of Florida. At the age of 4 his family moved to Florida, and he graduated from the University of Florida with an A.B. degree in 1942. He studied law at George Washington

University and received an LL.B. degree from the University of Florida in 1948.

Mr. Rogers was elected to the 84th Congress in a special election on January 11, 1955, and has been reelected to each succeeding Congress through the 95th Congress, when he announced his retirement. As chairman of the Subcommittee on Health and the Environment of the House Committee on Interstate and Foreign Commerce, he provided the House with exceptional, energetic leadership. His colleagues in the House referred to him as "Mr. Health," and he was known to be one of the major powers on health care policy in the Nation. His championship of legislation to improve medical facilities and care nationwide earned him the respect of all of his colleagues.

Justice William O. Douglas Federal Building

(Public Law 95-538)

Public Law 95-538 designates the U.S. Federal Building and Court house located at 25 South Third Street in Yakima, Wash. as the "Justice William O. Douglas Federal Building."

Justice William O. Douglas was appointed to the U.S. Supreme Court in 1939 and served his country with distinction until his retirement in 1975.

During his tenure on the Court, Justice Douglas defended the guarantees of our first 10 amendments to the Constitution with such tenacity that he established himself as one of the great men of our history. He consistently demonstrated the strong will, keen intellect, and dedicated service that has been so instrumental in making America strong and vital.

Justice Douglas grew up in Yakima, Wash., and still has a summer home at Goose Prairie in the Cascade Mountains. As a member of the Supreme Court the Justice frequently made use of an office and the law library in the Yakima Federal Building during the summer months when the Supreme Court was in recess.

C. Bascom Slemp Building

(Public Law 95-542)

Public Law 95-542 designates the Federal building located at 322 East Wood Avenue in Big Stone Gap, Va., as the "C. Bascom Slemp Building."

C. Bascom Slemp was born in Turkey Cove, Va., in 1870. He was educated in the local schools and was later graduated from the Virginia Military Institute at Lexington, Va. He studied law at the University of Virginia at Charlottesville, was admitted to the bar in 1901, and began his practice in Big Stone Gap, Va.

In 1907 he was elected to the U.S. Congress to fill the vacancy caused by the death of his father, Col. Campbell Slemp. He served in the Congress until 1923, when he was appointed as secretary to President Calvin Coolidge. In 1925 he returned to Big Stone Gap and continued his law practice until his retirement in 1932. He died in 1943.

JOE SKUBITZ FEDERAL BUILDING

(Public Law 95-543)

Public Law 95-543 designates the Social Security Administration District Office Building located at the intersection of South Broadway and East Adam Streets, in Pittsburg, Kans., as the "Joe Skubitz Social Security Administration Center."

Congressman Joe Skubitz was born in Frontenac, Kans., in 1906, and received his early education in the public schools of Kansas. He graduated from Kansas State College and attended law school at both Washburn University in Kansas and George Washington University in Washington, D.C., and received his LL.B. degree from the latter.

Congressman Skubitz was first elected to the 88th Congress in 1962 and has been reelected to each succeeding Congress. He is particularly noted for his service on the Committee on Interior and Insular Affairs and on the Committee on Interstate and Foreign Commerce. He has announced that he will retire from the Congress at the end of the 95th Congress.

This act takes effect on January 4, 1979.

JOHN J. FLYNT, JR. FEDERAL BUILDING

(Public Law 95-544)

Public Law 95-544 designates the U.S. Post Office and Federal Building located in Griffin, Ga., as the "John J. Flynt, Jr., Federal Building."

Congressman John James Flynt, Jr., was born in Griffin, Ga., in 1914. He began his education in the public schools of Griffin and in 1936 graduated from the University of Georgia. In 1940, he graduated with a LL.B. and J.D. from George Washington University Law School.

He served in the U.S. Army from 1941 until the end of 1945 and was awarded the Bronze Star Medal for meritorious service in Normandy and northern France. In his career in law he has served as assistant U.S. attorney for the northern district of Georgia and as solicitor general of the Griffin judicial circuit.

He was a member of the House of Representatives of the State of Georgia in 1947 and 1948 and was elected to the 83d Congress in a special election held in 1954. He has been reelected to each succeeding Congress and has announced that he will retire at the end of the 95th Congress. He serves as chairman of the Committee on Standards of Official Conduct and on the Committee on Appropriations and the Select Committee on Ethics.

This act takes effect on January 4, 1979.

JOE WAGGONNER FEDERAL BUILDING

(Public Law 95-545)

Public Law 95-545 designates that the Federal building located at 500 Fannin Street in Shreveport, La., be known as the "Joe Waggonner Federal Buildings."

Congressman Joe D. Waggonner, Jr., was born near Plain Dealing, La., in 1918. He attended local public schools and graduated from Louisiana Tech University.

He served in the U.S. Navy in both World War II and in the Korean conflict. He was first elected to the Bossier Parish School Board in 1954 and served thereafter in a number of offices important to education in the State of Louisiana, among them as a member of the Louisiana State Board of Education.

First elected to the 87th Congress in 1961, he has been reelected to each succeeding Congress. He is particularly noted for his years of service on the Committee on Ways and Means. He has announced that he will retire from the Congress at the end of the 95th Congress.

This act takes effect on January 4, 1979.

James Madison Memorial Library

(Public Law 95-548)

This act increases the authorized appropriations of $123 million to complete the Library of Congress James Madison Memorial Building to $130,675,000.

This increase is required to cover the cost of necessary changes in the building, resulting from expansion of functions of certain units of the library, many of which are the outgrowth of recent legislative actions, and also from change orders issued and soaring construction costs due to inflation.

The building is in its final stage of construction consisting of interior and related work which remains to be contracted and constructed.

Smithsonian Institution Museum Support Facilities

(Public Law 95-569)

Public Law 94-98, approved September 19, 1975, provided the Regents of the Smithsonian Institution with authority to prepare plans for museum support facilities. The act required that they be located on federally owned land within the metropolitan area of Washington, D.C., and allowed any Federal agency to transfer land under its jurisdiction to the Smithsonian without reimbursement; $325,000 was appropriated in fiscal year 1978 to initiate architectural and engineering design for a building with approximately 338,000 gross square feet of space. The balance of planning funds, estimated at $575,000, were included in the fiscal year 1979 appropriation bill. Construction, equipment, and other funds necessary to complete the project are estimated at $20,600,000.

This act amends Public Law 94-98 by providing the Regents of the Smithsonian Institution with authority to construct museum support facilities and authorizes to be appropriated to the Smithsonian $21,500,000 to carry out the purposes of the act. No appropriation shall be made to construct the facilities authorized by this act until the Committee on Public Works and Transportation of the House of Representatives by resolution approves the final plans and specifications of such facilities. Any portion of the sums approprited may be transferred to the General Services Administration which, in consultation with the Smithsonian Institution, is authorized to enter into contracts and take such other action as may be necessary to carry out the construction of museum support facilities.

The purpose of this structure is to permit the Institution to meet its responsibilities to house, preserve, and make available for scholarly research the millions of items which comprise the collections under its care. This building would also allow the expansion of public exhibit space available within the National Museum of Natural History and to undertake a training program for museum conservators.

Federal Water Pollution Control Act Authorizations for Certain Programs

(Public Law 95–576)

This act amends section 104(u)(1) of the Federal Water Pollution Control Act to provide additional authorization for fiscal year 1979 and 1980 for activities authorized under that section other than subsections (g)(1) and (g)(2), (p), (r), and (t), or for any research, development, or demonstration activity.

Public Law 95–576 provides authorization for appropriations for the following programs:

(1) Water quality surveillance and information dissemination activities provided by sections 104(a)(5) and 104(b)(6);

(2) Great Lakes water quality monitoring provided by section 104(f); and,

(3) Manpower planning and training activities provided by section 104(g)(3).

The Environmental Protection Agency requested an authorization of $13,900,000 for fiscal year 1979 and such sums as may be necessary for fiscal year 1980.

It is the policy of the committee not to provide open-ended authorizations. Therefore, in the absence of a specific request from the Environmental Protection Agency for fiscal year 1980, the committee has made its best estimate of an appropriate level of funding for that year.

The act authorizes $13,900,000 for fiscal year 1979 and $14,039,000 for fiscal year 1980. It is estimated that these funds be distributed among eligible activities as follows: $6,938,000 for fiscal year 1979, and $7,007,380 for fiscal year 1980 for water quality surveillance and information dissemination activities provided by sections 104(a)(5) and 104(a)(6); $1,891,000 for fiscal year 1979 and $1,909,910 for fiscal year 1980 for Great Lakes water quality monitoring provided by section 104(f); and $5,071,000 for fiscal year 1979 and $5,121,710 for fiscal year 1980 for manpower planning and training activities provided by section 104(g)(3). If the Environmental Protection Agency proposes to fund other eligible activities under section 104(u)(1), such as grants for studies and technical assistance activities provided by sections 104(a)(1), 104(a)(2), and 104(b)(3), it should request an additional authorization.

Solar Collector Installation

(Public Law 95-577)

House Resolution 322, adopted by the U.S. House of Representatives on May 17, 1977, directed the Architect of the Capitol to conduct a feasibility study of using solar energy in connection with the heating, cooling, and hot water system or subsystems of the House Office Building Annex No. 2, the Cannon, Longworth, and Rayburn House Office Buildings and related structures and other House office building annexes and related structures. The Architect was directed to prepare and transmit a report to the House of Representatives no later than 1 year after the date of adoption of the resolution.

The resolution directed that the Architect may enter into contracts for the study and authorized $50,000 to be expended by the Architect under the direction of the House Office Building Commission.

On April 28, 1978, the Architect of the Capitol transmitted to the Speaker of the U.S. House of Representatives a report on the study of the feasibility of the use of solar energy for the House office building entitled "Study of the Use of Solar Energy in House Office Buildings" (H. Doc. 95-332). The report was referred to the Committee on Public Works and Transportation on May 1, 1978.

This Act authorizes the Architect of the Capitol, under the direction of the House Office Building Commission, to install solar collectors for furnishing a portion of the energy needs of the Rayburn House Office Building and House Office Building Annex No. 2 at a cost not to exceed $3 million.

The Architect of the Capitol is authorized to procure such personal and other services as may be necessary to carry out this act and provide for such structural and other changes in the Rayburn House Office Building and House Office Building Annex No. 2 as may be necessary to carry out this act.

The Architect of the Capitol is directed to submit to the House Public Works and Transportation Committee final engineering and design drawings and final costs estimates for the project authorized under this act before soliciting bids to carry out the project. After the submission of such information, the Architect of the Capitol shall not solicit bids to carry out the project authorized under this act until 30 legislative days after the date of such submission.

Studies for the Restoration and Renovation of the Pension Building

(Public Law 95-596)

The act declares that the Pension Building in Washington, D.C., which is designated as a landmark on the National Register of Historic Places, must be preserved and restored. Thus, the proposal by the Committee for a National Museum of the Building Arts to turn the Pension Building into a center of public and professional education is worthy of further consideration. The Museum, as currently proposed, would comprise (1) a building forum for public and professional education, public environmental problem solving, and international exchange; (2) building exhibitions; and (3) a building arts library, archives, and national documents inventory.

The act directs the Administrator of the General Services Administration to prepare an existing conditions study of the Pension Building, located on the block bounded by Fourth Street, Fifth Street, F Street, and G Street NW, in the District of Columbia. He is directed to prepare drawings, together with preliminary cost estimates, for the restoration and renovation of the Pension Building, in its entirety, to house the proposed museum. Such preliminary drawings and cost estimates will be advantageous to the committee since the majority of the costs identified would be incurred, in any event, in putting this building into an acceptable and appropriate condition, regardless of its future use. The Administrator is authorized to expend not to exceed $60,000 from available funds for the preparation of the existing conditions study and the drawings with cost estimates which are to be submitted to the Committee on Public Works and Transportation of the House of Representatives and to the Committee on Environment and Public Works of the Senate.

The act further seeks objective evaluation of the feasibility and desirability of establishing a National Museum of the Building Arts therein from the Chairman of the National Endowment for the Arts and the Secretary of the Smithsonian Institution. In this regard, the Chairman and the Secretary, respectively, are requested to thoroughly explore the interest among individuals, private foundations, corporations, the building industry, the design industry, and citizens' organizations regarding the establishment of a Museum of the Building Arts. The responses of such individuals and organizations should address not only the activities to be housed in the museum but also their potential support for various aspects of the proposal. The Chairman and the Secretary, respectively, are authorized to expend not to exceed $10,000 each from available funds for the purpose of assembling the information requested of them and submit their findings to the Committee on Public Works and Transportation of the House of Representatives and to the Committee on Environment and Public Works of the Senate.

SURFACE TRANSPORTATION ASSISTANCE ACT OF 1978

(Public Law 95–599)

This act authorizes a 4-year $51 billion program of Federal assistance for highway and public mass transportation programs in urban and rural areas throughout the Nation.

The final legislation represents a reconciliation of a number of major differences between the separate bills passed previously by the House and Senate.

The act combines for the first time in congressional history all Federal assistance to the States and local communities for both roadbuilding and mass transportation. It also serves notice on the various States that they must submit environmental impact statements on unfinished portions of the Interstate Highway System by 1983 or the route will be dropped from the System.

The final authorizations agreed upon by the conferees were almost $10 billion less than provided in the bill passed by the House on September 28 and slightly higher than the Senate proposed. President Carter had asked that the 4-year funding be held to about $45 billion.

The conference agreement calls for an average Federal funding of $8.7 billion annually for the fiscal years 1979–82 for highways and highway safety, including an average of $1.05 billion a year for bridge repair and replacement, and $3.4 billion a year for public mass transportation.

The Federal share of most highway projects is increased from 70 to 75 percent; for safety programs, including the bridge projects, the ratio is 90–10, except that for bridge projects the ration is 80–20 and the interstate funding remains at 90 percent Federal, 10 percent State. Projects transferred from the interstate program to other purposes such as mass transit would be funded 85 percent Federal and 15 percent local.

Major funding authorizations include:

An average $3.36 billion a year for interstate highway construction, plus $175 million each in 1979 and 1980 and $275 million each in 1981 and 1982 for resurfacing, rehabilitation, and restoration of interstate segments that are wearing out after years of hard service—the Three R's of the highway program.

An average $1.64 billion annually for Federal-aid primary and priority primary highway systems and an average of $512 million a year for secondary systems, increases of $290 million and $112 million respectively over the present funding levels. All of the funding increases must be used for the Three R's. Another $800 million a year is authorized for urban highways.

$1.8 billion a year for highway safety, of which an average of $1.05 billion would go to the bridge program over the 4-year period. The Federal Government at present provides only $180 million a year for bridge repair and replacement.

The mass transit section of the bill includes authority for the Secretary of Transportation to make discretionary grants averaging $1.5 billion a year for buses, rail modernization projects, commuter rail car purchases, and new rail starts and extensions. It further provides $1.1 billion a year in formula grants for public transportation purposes, based on population and population density, plus approximately $300 million annually for bus purchases and $40 million a year for intercity bus terminals.

Other highlights of the agreement include:

Creation of a new and separate program for small communities and rural areas to finance public transportation capital and operating needs.

Significant strengthening of highway safety efforts (in addition to the funding increases and increased Federal share), with funding provided to help enforcement of the 55-mile-per-hour speed limit, amendments to permit and encourage experimentation, and a new public education program.

Other amendments provide accelerated construction of the Appalachian development highway system, assistance for expanded use of carpools and vanpools, expanded assistance for construction of bikeways, and funding for truck weighing stations to assist in enforcement of weight limits.

Procedural changes in the bill include a requirement for purchase of transportation materials, supplies and equipment manufactured in the United States, subject to waiver for several reasons including the "national interest."

NATIONAL ENERGY CONSERVATION POLICY ACT

(Public Law 95-619)

This act embodies the contents of H.R. 6831, a bill which was reported favorably from the House Committee on Public Works and Transportation on July 13, 1977. Specifically, title V entitled Federal energy initiatives which consists of part 1, part 2, part 3, and part 4, incorporates language and provisions identical or similar to language and provisions contained in H.R. 6831.

TITLE V—FEDERAL ENERGY INITIATIVES

Part 1—Executive Agency Conservation Plan

This part amends section 381 of the Energy Policy and Conservation Act which directed the President to develop and implement a 10-year energy conservation plan for energy conservation with respect to buildings owned or leased by the Federal Government. This part makes the plan applicable to the executive agencies defined in section 105 of title 5, United States Code, and to the U.S. Post Office; $25,000,000 in fiscal year 1978 and $50,000,000 in fiscal year 1979 is authorized to be appropriated to the President to carry out the plan.

Part 2—Demonstration of Solar Heating and Cooling in Federal Buildings

The purpose of this part is to demonstrate solar heating and cooling technology by installing solar energy equipment in selected Federal buildings to heat or cool them. The agencies will periodically make reports on the operation and maintenance of this equipment. The Secretary of Energy is directed to promulgate criteria for evaluating agency proposals for demonstration of solar energy equipment, to evaluate the proposals and to make these evaluations available to interested persons upon request. Each agency must submit to the Secretary proposals for selected Federal buildings under its control. The Secretary will require that a life-cycle cost analysis be included in each proposal. Where the installation of solar energy equipment will not result in a minimum life cycle cost for a given building, the agency must explicitly state in its application the additional life cycle costs projected to be incurred as a result of installing solar energy equipment in the building instead of the minimum life cycle cost alternative.

Through fiscal year 1980, $100,000,000 is authorized to be appropriated to the Secretary. The Secretary shall provide by interagency agreement assistance to approved projects for design, acquisition, construction, and installation of solar energy equipment.

t 3—Energy Conservation and Solar Energy in Federal Buildings

his part directs the Secretary of Energy to administer a program
romote (1) the use of commonly accepted methods to establish and
pare the life-cycle costs of operating Federal buildings, and the
-cycle fuel and energy requirements of such buildings, with and
hout special features for energy conservation, and (2) the use of
r heating and cooling and other renewable energy sources in Fed-
buildings.

he Secretary is directed to provide for the development of methods
nalyze the life-cycle cost effectiveness of various energy conserv-
techniques in buildings. In addition, energy performance targets
be set for Federal buildings and after preliminary energy audits
performed, selected Federal buildings will be retrofitted so as to
ce their energy consumption.

ew Federal buildings shall be life-cycle cost effective. In the de-
of new Federal buildings, cost evaluation shall be made on the
s of life cycle cost rather than initial cost.

n leasing buildings each Federal agency will give appropriate
ference to buildings that use renewable energy sources or which
rwise minimize the costs of supplying the building with energy
its lifetime.

or fiscal year 1979 $2,000,000 is authorized to be appropriated to
Secretary of Energy to carry out his duties under this part.

his program for Federal buildings will result by 1985 compared
975 in a reduction of 20 percent in the annual use per unit of floor
for existing buildings and a 45-percent reduction for new
dings.

Part 4—Federal Photovoltaic Utilization

he purpose of this part is to encourage the development of a com-
ially viable photovoltaic industry in the United States by accel-
ng the procurement and use of photovoltaic solar electric systems
ederal agencies. These photovoltaic systems consist of solar cells
convert sunlight directly into electricity. This part establishes a
ram to evaluate and purchase these photovoltaic systems for use
ederal agencies to meet a small portion of their needs for elec-
ty. It is anticipated that these systems would be employed at re-
sites where electrical services is unavailable or very expensive.
othing in this part is intended to prohibit any agency, where its
s for photovoltaic systems cannot appropriately be met under
program, from purchasing them under other authority. The photo-
aic systems evaluation and purchase program should devote appro-
te attention to helping small businesses and promoting competi-

here are authorized to be appropriated to the Secretary of Energy
ore than $98,000,000 for the 3-year period of fiscal year 1979
ugh fiscal year 1981 to carry out the purposes of this part.

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Public building project resolutions approved pursuant to the Public Buildings Act of 1959, as amended

Project	*Date Approved*
Resolution providing for a study of a new Federal office building in San Jose, Calif.	Feb. 9, 1977.
Prospectus proposing extension of lease for space at 1833 Kalakaua Ave., Honolulu, Hawaii.	Do.
Prospectus proposing extension of lease for space at 4040 North Fairfax Dr., Arlington, Va.	Do.
Prospectus proposing extension of lease for space at 1621 North Kent St., Arlington, Va.	Do.
Favorable report from General Services Administration on a building project survey for San Jose, Calif.	Mar. 24, 1977.
Prospectus proposing alterations at the Virginia Heating Plant, Arlington, Va.	Do.
Prospectus proposing alterations at the CIA Bldg., McLean, Va.	Do.
Prospectus proposing extension of lease for space at 2300 East Devon Ave., Des Plaines, Ill.	Do.
Prospectus proposing extension of lease for space at 2000 M St. NW., Washington, D.C.	Do.
Prospectus proposing construction of FBI Parking Maintenance Facility in West Los Angeles, Calif.	July 27, 1977.
Prospectus proposing construction of Border Station in Fort Kent, Maine.	Do.
Prospectus proposing construction of Border Station in Haines, Alaska.	Do.
Prospectus proposing construction of Border Station at Ambassador Bridge, Detroit, Mich.	Do.
Prospectus proposing alterations at the Federal Bldg., in Ketchikan, Alaska.	Do.
Prospectus proposing alterations at the Federal Bldg. and Courthouse in Phoenix, Ariz.	Do.
Prospectus proposing alterations at the U.S. Geological Survey Center in Menlo Park, Calif.	Do.
Prospectus proposing alterations at the Federal Office Bldg and Courthouse in Providence, R.I.	Do.
Prospectus proposing alterations at the Federal Bldg. and Courthouse in Wheeling, W. Va.	Do.
Prospectus proposing alterations at the Old Post Office in Washington, D.C.	Do.
Prospectus proposing alterations at the Harry S. Truman Library in Independence, Mo.	Do.
Prospectus proposing alterations at the Federal Bldg. and Courthouse in Sacramento, Calif.	Do.
Prospectus proposing alterations at the Federal Archives Records Center in San Bruno, Calif.	Do.
Prospectus proposing alterations at the U.S. Court of Appeals and Post Office in San Francisco, Calif.	Do.
Prospectus proposing alterations at the Customhouse in San Francisco, Calif.	Do.
Prospectus proposing alterations at the Federal Bldg. at 201 Varick St., New York, N.Y.	Do.
Prospectus proposing alterations at the Federal Office Bldg., 911 Walnut St., Kansas City, Mo.	Do.
Prospectus proposing alterations at the Federal Bldg., at 2306 East Bannister Rd., Kansas City, Mo.	Do.
Prospectus proposing alterations at the Post Office and Courthouse in Trenton, N.J.	Do.

Public building project resolutions approved pursuant to the Public Buildings Act of 1959, as amended—Continued

Project	*Date Approved*
Prospectus proposing alterations at the Courthouse, Foley Square, New York, N.Y.	July 27, 1977.
Prospectus proposing alterations at the Courthouse in Portland, Oreg.	Do.
Prospectus proposing alterations at the Federal Bldg., in Philadelphia, Pa.	Do.
Prospectus proposing alterations at the GSA Depot Store in Franconia, Va.	Do.
Prospectus proposing repairs and alterations at Federal Bldg., No. 103, 4300 Goodfellow Blvd., St. Louis, Mo.	Do.
Prospectus proposing extension of lease for space at 730 Peachtree St., Atlanta, Ga.	Do.
Prospectus proposing extension of lease for space at HEW Regional Office in Atlanta, Ga.	Do.
Prospectus proposing extension of lease for space at 1441 L St., Washington, D.C.	Do.
Prospectus proposing extension of lease for space at Hill Bldg., in Anchorage, Alaska.	Do.
Prospectus proposing repairs and alterations at Federal Bldg. No. 105, 4300 Goodfellow Blvd., St. Louis, Mo.	Oct. 20, 1977.
Prospectus proposing alterations at the General Accounting Office Bldg. in Washington, D.C.	Do.
Prospectus proposing alterations at the Federal Bldg.-U.S. Courthouse at 204 South Main St., South Bend, Ind.	Do.
Prospectus proposing alterations at the U.S. Customhouse in St. Louis, Mo.	Do.
Prospectus proposing extension of lease for space at 707 North Calvert St., Baltimore, Md.	Do.
Prospectus proposing extension of lease for space at Thomas Circle South, 1121 Vermont Ave., NW., Washington, D.C.	Do.
Prospectus proposing extension of lease for space at Pomonio Plaza, 1735 North Lynn St., Arlington, Va.	Do.
Prospectus proposing extension of lease for space at 1919 M St., NW., Washington, D.C.	Do.
Prospectus proposing extension of lease for space at 2025 M St., NW., Washington, D.C.	Do.
Favorable report from General Services Administration on the need for construction of a courthouse and Federal office building in Springfield, Mass.	Do.
Favorable report from General Services Administration on a building project survey for the consolidation of the Nuclear Regulatory Commission in Washington, D.C.	Do.
Prospectus proposingg extension of lease for space at Crystal Plaza No. 34, 2121 Jefferson Davis Highway, Arlington, Va.	Apr. 25, 1978.
Prospectus proposing extension of lease for space at 1405 Eye St., NW., Washington, D.C.	Do.
Prospectus proposing extension of lease for space at 211 Main St., San Francisco, Calif.	Do.
Prospectus proposing alterations at Laguna Niguel (Orange County, Calif.)	Do.
Prospectus proposing alterations at Pentagon, Arlington, Va.	Do.
Prospectus proposing alterations at 1500 East Bannister, Kansas City, Mo.	Do.
Prospectus proposing alterations at Federal Bldg. No. 2, Arlington, Va.	Do.
Prospectus proposing alterations at Federal Bldg.-Post Office, Hartford, Conn.	Do.
Prospectus proposing alterations at Agriculture South, Washington, D.C.	Do.
Prospectus proposing alterations at Forrestal Bldg., Washington, D.C.	Do.
Prospectus proposing alterations at Federal Center South, Seattle, Wash.	Do.
Prospectus proposing alterations at Federal Trade Commission, Washington, D.C.	Do.

Public building project resolutions approved pursuant to the Public Buildings Act of 1959, as amended—Continued

Project	*Date Approved*
Prospectus proposing alterations at Post Office-Courthouse, Lexington, Ky.	Apr. 25, 1978.
Prospectus proposing alterations at Federal Bldg. No. 6, Washington, D.C.	Do.
Prospectus proposing alterations at HEW North, Washington, D.C.	Do.
Prospectus proposing alterations at Mary Switzer Bldg., Washington, D.C.	Do.
Prospectus proposing alterations at Lafayette Bldg., Washington, D.C.	Do.
Resolution providing for study for Federal office building space in Omaha, Nebr.	Do.
Favorable report from General Services Administration on a building project survey for a Federal building and parking facility in Savannah, Ga.	May 10, 1978.
Favorable report from General Services Administration on a building project survey for a Federal building in Boston, Mass.	Do.
Resolution providing for a study of a new Federal office building in Patterson, N.J.	Do.
Resolution providing for a study of a new Federal building in Milwaukee, Wis.	Do.
Prospectus proposing alterations at the Nashville Union Station, Nashville, Tenn.	May 15, 1978.
Favorable report from General Services Administration on a building project survey for a Federal building in Milwaukee, Wis.	Do.
Prospectus proposing alterations at the U.S. Post Office-Courthouse in Miami, Fla.	June 13, 1978.
Prospectus proposing alterations at the U.S. Appraisers Stores in Boston, Mass.	Do.
Prospectus proposing alterations at the U.S. Post Office and Courthouse in Tallahassee, Fla.	Do.
Prospectus proposing alterations at the Federal Office Bldg. in Newark, N.J.	Do.
Resolution providing for a study for construction of a new Government Printing Office Bldg. in Washington, D.C.	Do.
Favorable report from General Services Administration on a building project survey for a Federal office building in Providence, R.I.	Do.
Prospectus proposing extension of lease for space in the Ford Bldg. at 555 West 57th St., New York, N.Y.	Do.
Prospectus proposing extension of lease for space for Building No. 5 at 2300 East Devon Avenue, Des Plaines, Ill.	Do.
Prospectus proposing extension of lease for space at 1201 E St., NW., Washington, D.C.	Do.
Prospectus proposing extension of lease for space in the Center Building II at 3700 East West Highway, Hyattsville, Md.	Do.
Favorable report from General Services Administration on a buidling project survey for construction of a new Government Printing Office in Washington, D.C.	Aug. 2, 1978.
Favorable report from General Services Administration on a buidling project survey for construction of a Federal office building and parking facility in El Paso, Tex.	Do.
Favorable report from General Services Administration on a building project survey for construction of a new Federal office building, parking facility and vehicle maintenance facility in Omaha, Nebr.	Oct. 4, 1978.
Resolution providing for a study of a new Federal office building in Queens, N.Y.	Do.
Prospectus proposing extension of lease for space at Commonwealth Bldg., 1320 Wilson Boulevard, Arlington, Va.	Do.
Prospectus proposing extension of lease for space at 120 Church St., New York, N.Y.	Do.

Public building project resolutions approved pursuant to the Public Buildings Act of 1959, as amended—Continued

Project	*Date Approved*
Prospectus proposing extension of lease for space at 2050 M St., NW., Washington, D.C.	Oct. 4, 1978.
Prospectus proposing extension of lease for space at Crystal Plaza 2, 2011 Jefferson Davis Highway, Arlington, Va.	Do.
Prospectus proposing extension of lease for space at Ballston Center, Towers II, Arlington, Va.	Do.
Prospectus proposing extension of lease for space at 150 Causeway, Boston, Mass.	Do.
Prospectus proposing extension of lease for space at Department of Defense, Huntsville, Ala.	Do.
Prospectus proposing extension of lease for space	June 13, 1978.

WATER RESOURCE SURVEY RESOLUTIONS APPROVED

A study to determine the need for extending the Federal aid for nourishment costs of beach erosion control project at Broward County, Florida.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of developing hydroelectric power at the Lehigh River Basin, Pennsylvania.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of using alternative means of disposing of dredged material at Mississippi Sound and adjacent areas.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of using alternative means of disposing of dredged material at Mississippi Sound and adjacent areas.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of expanding the harbor facilities at Hickman, Kentucky.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of constructing containment islands at Long Island Sound, Connecticut.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of improving the navigation system at Bridgeport Harbor, Connecticut.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of developing downstream fishery at New Hogan Dam, California.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A water and related land resources study for Russellville-Dardanelle, Arkansas.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A water and related land resources study for Klamath River Basin, Oregon.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A water and related land resources study for the Mississippi River Valley area of South Arkansas and North Louisiana.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of local flood protection and related improvements for Salyersville, Kentucky.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of flood protection and related improvements for Whitewater River Basin, California (Coachella Valley.)

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of modifying and maintaining the channel at Wolf River Channel in St. Louis Bay into Bayou Portage.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study concerning shoaling problems in harbor area at Crescent City Harbor, California.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

An urban water resources study for Minnesota River at Mankato, Minnesota.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of constructing an All-American Transportation System connecting Lake Erie to the Eastern Seaboard.

May 10, 1977. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of constructing an underwate pipeline from the East Coast of Puerto Rico to St. Thomas, Virgi Islands.

May 10, 1977. Resolution adopted by the Committee on Publi Works and Transportation.

A study to determine the need for water supply and conveyance systems and mineral intrusion control for Kansas River and Tributaries, Kansas.

May 10, 1977. Resolution adopted by the Committee on Publi Works and Transportation.

A study to determine the feasibility of improving the harbor an waterways at Oakland Inner Harbor, California.

May 10, 1977. Resolution adopted by the Committee on Publi Works and Transportation.

A study concerning flood control and navigation at San Leandro Bay California.

May 10, 1977. Resolution adopted by the Committee on Publi Works and Transportation.

A study to determine the feasibility of local flood protection and related improvements for Levisa Fork of the Big Sandy River, Kentucky and Virginia.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility for navigation developments at Levisa and Tug Forks of the Big Sandy River, Kentucky, Virginia, and West Virginia.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

To include additional counties in Tennessee-Tombigbee Waterway Corridor Study, Tennessee, Alabama, and Mississippi.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of navigation improvements for Westport Harbor and Saugatuck River, Connecticut.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of providing a small craft channel for Peach Creek to Western Lake in Walton County, Florida.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of constructing breakwater for harbor protection for Searsport Harbor, Maine.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the causes and solutions to sedimentation problems at San Lorenzo River, California.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine flood control and related water resources needs for Pulaski and Alexander Counties, Illinois.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine reimbursement costs incurred by local interests for Cape Fear River, Wilmington Harbor, North Carolina.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A comprehensive water resources study for Kissimmee River Basin and Taylor Creek-Nubbin Slough Basin, Florida.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of deepening the channel at St. George Island, Florida.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study concerning water supply for Jackson County, Mississippi.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study concerning alteration of surface water distribution for Shark River Slough in Everglades National Park, Florida.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of modifying and maintaining the channel at Jupiter Inlet, Florida.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of including Stump, Big Sarasota, Longboat, Hurricane, Dunedin, and Blind Passes, Florida, as an integral part of the Intracoastal Waterway.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A comprehensive water resources study for Martin Pena Canal, San Juan, Puerto Rico.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A multiple-purpose study for Golden Gate Estates and Adjacent Areas, Collier County, Florida.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

An urban water and related land resources study for Macon and Bibb County, Georgia.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine local flood protection and related water resources needs for Kiskiminitas River Basin, Pennsylvania.

Apr. 25, 1978. Resolution adopted by the Committee on Public Works and Transportation.

A study to determine the feasibility of enlarging the King Harbor Breakwater, Redondo Beach, California.

Oct. 4, 1978. Resolution adopted by the Committee on Public Works and Transportation.

WATER RESOURCE PROJECT RESOLUTIONS APPROVED PURSUANT TO SECTION 201 OF THE FLOOD CONTROL ACT OF 1965

Flood control project for Flathead and Clark Fork River Basins (Flathead River near Kalispell), Montana.
  Oct. 1, 1976. Resolution adopted by Senate Committee on Public Works.
  May 10, 1977. Resolution adopted by House Committee on Public Works and Transportation.
Navigation project for Fairport Harbor, Ohio.
  Oct. 1, 1976. Resolution adopted by Senate Committee on Public Works.
  May 10, 1977. Resolution adopted by House Committee on Public Works and Transportation.
Flood control project for Upper Baker, Skagit River, Washington.
  May 10, 1977. Resolution adopted by House Committee on Public Works and Transportation.
  May 23, 1977. Resolution adopted by Senate Committee on Environment and Public Works.
Navigation project for Cambridge Harbor, Maryland.
  June 27, 1978. Resolution adopted by House Committee on Public Works and Transportation.
  June 28, 1978. Resolution adopted by Senate Committee on Environment and Public Works.

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WATERSHED PROJECTS APPROVED

ITTLE RIVER WATERSHED, IOWA

Mar. 7, 1977. Approved by Senate Committee on Environment and Public Works.

Nov. 29, 1977. Approved by House Committee on Public Works and Transportation.

YPRESS CREEK WATERSHED, ALABAMA AND TENNESSEE

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

YNNE CREEK WATERSHED, ALABAMA

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

ACTORY CREEK WATERSHED, ALABAMA

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

OWER CADRON CREEK WATERSHED, ARKANSAS

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

ORTH FORK CADRON CREEK WATERSHED, ARKANSAS

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

NDERSON RIVER WATERSHED, INDIANA

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4. 1978. Approved by House Committee on Public Works and Transportation.

IDDLE CREEK WATERSHED, KANSAS

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

ET WALNUT NO. 2 WATERSHED, KANSAS

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

ET WALNUT NO. 3 WATERSHED, KANSAS

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

ET WALNUT NO. 5 WATERSHED, KANSAS

ct. 4, 1978. Approved by House Committee on Public Works and Transportation.

TWENTY-FIVE MILE STREAM WATERSHED, MAINE

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Environment and Public Works.

BOULDER RIVER WATERSHED, MONTANA

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

SHORT CREEK WATERSHED, OHIO

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

KICKAPOO NATIONS WATERSHED, OKLAHOMA

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

MCKINNEY-BUZZARD CREEK WATERSHED, OKLAHOMA

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

ROBINSON CREEK WATERSHED, OKLAHOMA

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

BUSH RIVER WATERSHED, VIRGINIA

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

CEDAR RUN WATERSHED, VIRGINIA

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

GREAT CREEK WATERSHED, VIRGINIA

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

GOOSE CREEK WATERSHED, WASHINGTON

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

PINE RIVER WATERSHED, WISCONSIN

Aug. 23, 1978. Approved by Senate Committee on Environment and Public Works.

Oct. 4, 1978. Approved by House Committee on Public Works and Transportation.

SUBCOMMITTEE ON INVESTIGATIONS AND REVIEW

The Subcommittee on Investigations and Review examined a number of important subject areas related to the full committee's jurisdiction. The subcommittee's investigative work culminated in 12 separate public hearings. More than 250 witnesses appeared in 29 sessions in which testimony was taken. In addition, the subcommittee's work was supplemented with a continuing series of reports, memorandums, and background papers.

Water pollution remained a priority topic. Eleven days of hearings were held during the first and second sessions of the 95th Congress, with the sustained effort having an important bearing on the drafting and passage of the Clean Water Act of 1977.

As usual, however, the subcommittee's attention was directed to a number of programs and administering agencies. In cases where investigations did not evolve to formal hearings or reports, there was evidence that the mere fact of subcommittee "interest"—exhibited by both members of staff—had a salutary effect on program implementation y the Federal bureaucracy. While there is no standardized format or effective oversight and review, public hearings remain the most isible manifestation of the subcommittee's work.

The following hearings were held during 1977–78:

WATER POLLUTION

In April, 1977, the subcommittee opened its investigative year with hearing on thermal pollution and the water-related impacts of steam ectric power generation. Problems besetting a proposed $2 billion uclear power facility at Seabrook, N.H., along with the complex regutory framework confronting energy and environmental interests naonwide were examined in detail. Duplicative Federal responsibility as identified as the underlying reason for protracted delays in porons of the water program.

Hearings also focused on the regulation and monitoring of toxic d hazardous chemicals. The subject was fixed prominently in the blic eye because of a series of toxic episodes involving the Ohio, the ames, and other U.S. rivers. Members and staff visited three States as extension of this inquiry. Two reports prepared by the Library of ngress summarized the findings of the extensive field work and arings. Recommendations evolving from the investigation were inumental in amending the basic law to establish a more workable emical control program.

A status report on implementation of the $43 billion municipal facilies construction grant program highlighted hearings in July 1978. particular concern were reports that hundreds of millions of dollars nt for advanced wastewater treatment plants were not improving eam quality to any appreciable degree. At the same time, it was bening more difficult to keep plants operating up to design specifications and substantial additional costs were being imposed on homeowners. The Environmental Protection Agency promised a closer look at all AWT investments.

The General Accounting Office, at the request of the subcommittee and as an outgrowth of an earlier hearing, issued a report raising questions about fees being paid to architects and engineers in the construction grant program. Another GAO effort was underway regarding implementation of so-called section 208 areawide planning, directed at the control of nonpoint pollution. This, too, was part of a larger subcommittee effort.

ECONOMIC DEVELOPMENT

In cooperation with the Subcommittee on Economic Development, the Investigations and Review Subcommittee monitored the Economic Development Administration's administration of the regular EDA program and a newly enacted $6 billion local public works program. LPW targeted areas of high unemployment and introduced an innovative feature to achieve greater participation by minority businesses. Hearings were held on EDA's LPW draft regulations, on EDA's performance in meeting the objectives of the legislation, and on various internal policy and reorganization matters.

The hearing schedule was supplemented by visits to project areas and by an analysis of the minority business feature.

AVIATION

The subcommittee's continued interest in aviation safety was manifested in hearings in July 1977, on "the missing link" in aviation safety. The focus was on long-neglected procedures and actions that could enhance the survivability of passengers in crashes, fires, and other air travel crisis situations.

Also examined was a slowdown in the handling of air traffic that was attributed to a dispute between air controllers and domestic airlines.

HIGHWAY SAFETY

Highway safety, a subject in which the subcommittee has done pioneering work over a period of many years, again figured prominently on its agenda. A declining trend in the usage of passenger safety belts, despite their proven ability to prevent thousands of deaths and disabling injuries, was examined in two sets of hearings. Legislation drafted by the full committee and ultimately approved by the full Congress addressed this complex behavioral problem.

DISASTER RELIEF

Officials of the Federal Disaster Assistance Administration and other Federal agencies testified in hearings aimed at exposing deficiencies in the sprawling Federal disaster relief program. The need for various reforms and consolidations was apparent not only from the hearing record, but from the field work done by the investigative staff. As the session ended, it was obvious that more attention was needed to this subject area.

OTHER INQUIRIES

Staff documents on rural public transportation, growing out of an analysis of the Federal Highway Administration's demonstration program on rural public transportation, were an important resource in the drafting of surface transportation legislation by the full committee. A 1-day hearing was held at East Grand Forks, Minn., on flooding and farm diking along the Red River of the North. The staff generated considerable data on Motor Vehicle Safety Standard 121, a controversial standard that remained the subject of court cases and proposed corrective legislation. An inquiry into the implementation of OMB Circular A-109 on the procurement of major systems and real property culminated in a hearing by the Subcommittee on Public Buildings and Grounds in which top officials of the General Services Administration aired a number of the difficulties being encountered.

PUBLICATIONS OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

95-1—Urban System Study. Report of the Secretary of Transportation to the United States Congress. (Committee Print.)

95-2—Title 23. United States Code: HIGHWAYS. (Committee Print.)

95-3—To revise and extend the Aviation War Risk Insurance Program. Hearing before the Subcommittee on Aviation, Feb. 17, 1977.

95-4—Report to the Committee on the Budget containing the views and estimates of the Committee on Public Works and Transportation on the budget for the fiscal year 1978. (Committee Print.)

95-5—To amend and Extend Authorizations for the Federal Water Pollution Control Act. Hearings before the Subcommittee on Water Resources on H.R. 3199, Mar. 1, 2, 3, and 4, 1977.

95-6—Financing Alternatives for Accelerated Interstate Highway System Completion. A report of the Secretary of Transportation, May 1977 (Committee Print.)

95-7—Mass Transportation Assistance to Meet the Needs of Elderly and Handicapped Persons. Hearings before the Subcommittee on Surface Transportation on H.R. 5010, Mar. 30 and April 6, 1977.

95-8—Hollywood-Burbank Airport. Briefing of the Subcommittee on Aviation, April 27, 1977.

95-9—Authorizing Additional Appropriations for Prosecution of Projects in Certain Comprehensive River Basin Plans for Flood Control, Navigation and for other purposes (H.R. 5885.) To Authorize Appropriations for the Administration of the Deepwater Port Act of 1974 (H.R. 6401.) Hearing before the Subcommittee on Water Resources, April 25, 1977.

95-10—To Authorize Additional Appropriations for the Federal Disaster Assistance Program. Hearing before the Subcommittee on Water Resources on H.R. 6197, April 28, 1977.

95-11—A Revised Estimate of the Cost of Completing the National System of Interstate and Defense Highways. Communication from the Secretary of Transportation, May 1977. (Committee Print.)

95-12—Proposed Relocation of the Government Printing Office in Washington, D.C. Hearings before the Subcommittee on Public Buildings and Grounds, May 17 and 18, 1977.

95-13—Airport and Aircraft Noise Reduction Act. Hearings before the Subcommittee on Aviation on H.R. 4539, Mar. 30, 31; April 5, 6, 19, 20, 21, 27; May 5, 1977.

95–14—To Amend and Extend the Local Public Works Capital Development and Investment Act. Hearings before the Subcommittee on Economic Development on H.R. 11 and related bills, Jan. 27, 28; Feb. 1, 2, 3 and 4, 1977.

95–15—Implementation of the Federal Water Pollution Control Act (Thermal Pollution and Other Water Impacts from Stream Electric Power Generation.) Hearings before the Subcommittee on Investigations and Review, Apr. 19, 20 and 21, 1977.

95–16—Revised Table for Apportioning 1979 Fiscal Year Funds for the National System of Interstate and Defense Highways. July 1977. (Committee Print.)

95–17—Implementation of Local Public Works Capital Development and Investment Act. Joint hearings before the Subcommittee on Economic Development and Subcommittee on Investigations and Review, May 19, 1977.

95–18—Interstate Gap Study. Report of the Secretary of Transportation. (Committee Print.)

95–19—Highway/Transit Proposals (Part I.) Hearings before the Subcommittee on Surface Transportation, May 3, 4, 11, 12, 17, 19, 24, 25; and June 7 and 9, 1977.

95–20—Use of Solar Energy in Federal Buildings. Hearings before the Subcommittee on Public Buildings and Grounds on H.R. 5821, H.R. 5788 and H. Res. 322, May 2, 3, 4, 1977. To Establish a Comprehensive National Energy Policy. Hearings before the Subcommittee on Public Buildings and Grounds on H.R. 6831 (sections 721 through 746), June 22 and 23, 1977.

95–21—To Increase the Authorized Federal Share of Certain Projects of the Appalachian Highway System. Hearing before the Subcommittee on Surface Transportation on H.R. 3746 and related bills, June 28, 1977.

95–22—Performance of Dredging by Contract. Hearing before the Subcommittee on Water Resources on H.R. 7744, July 13, 1977.

95–23—Replacement of Locks and Dam 26 at Alton, Illinois. Hearings before the Subcommittee on Water Resources, June 14, 15 and 16, 1977.

95–24—Waterway User Charges. Hearing before the Subcommittee on Water Resources, July 18, 1977.

95–25—Implementation of the Federal Water Pollution Control Act. Summary of hearings before the Subcommittee on Investigations and Review on the regulation and monitoring of toxic and Hazardous chemicals under the Federal Water Pollution Control Act, July 19, 20, 21, 28, 29, 1977. (Committee Print.)

95–26—Water Contamination by Toxic Pollutants: An Assessment of Regulation. (Committee Print.)

95-27—Aviation Safety (Aircraft Passenger Education—The Missing Link in Air Safety.) Hearings before the Subcommittee on Investigations and Review, July 12, 13 and 14, 1977.

95-28—Interstate Resurfacing, Restoration, and Rehabilitation Study. Report of the Secretary of Transportation, September 1977. (Committee Print.)

95-29—The Status of the Nation's Highways: Conditions and Performance. Report of the Secretary of Transportation, September 1977. (Committee Print.)

95-30—Data Relating to H.R. 3199 (Clean Water Act of 1977), November, 1977. (Committee Print.)

95-31—United States International Aviation Negotiations. Hearings before the Subcommittee on Aviation, Sept. 29 and Oct. 3, 1977.

95-32—Implementation of the Federal Water Pollution Control Act (Regulation and Monitoring of Toxic and Hazardous Chemicals.) Hearings before the Subcommittee on Investigations and Review, July 19, 20, 21, 27 and 28, 1977.

95-33—G.S.A. Architect-Engineer Procurement Process. Hearings before the Subcommittee on Public Buildings and Grounds, Sept. 19 and 20, 1977.

95-34—Flight Service Station System Modernization. Hearings on H.R. 7699 before the Subcommittee on Aviation, Oct. 3, 1977.

95-35—Case Law under the Federal Water Pollution Control Act. (Committee Print.)

95-36—Prospectus for Federal Building at Laguna Niguel, Calif., and Review of G.S.A. Procedures in Property Exchanges. Hearings before the Subcommittee on Public Buildings and Grounds, Sept. 26, 27 and 29, 1977 in Washington, D.C.; A Briefing in Santa Ana, Calif., Dec. 9, 1977; Hearing in Hawthorne, Calif., Dec. 10, 1977.

95-37—Highway/Transit Proposals (Part 2.) Hearings on H.R. 8648 before the Subcommittee on Surface Transportation, Sept. 8, 14, 15, 20, 27, 29; Oct. 6 and 19, 1977.

95-38—Federal Water Pollution Control Act Amendments (H.R. 3199.) Hearings before the Committee on Public Works and Transportation, Sept. 15, 16, 19 and 22, 1977.

95-39—Seat Belt Usage. Hearings before the Subcommittee on Investigations and Review, Jan. 4 and 5, 1978 in San Juan, Puerto Rico; June 6, 7 and 8, 1978 in Washington, D.C.

95-40—Aviation Regulatory Reform. Hearings before the Subcommittee on Aviation, Apr. 18, Oct. 5, 6, 11, 12, 14 and 19, in Washington, D.C.: June 17, Harrisburg, Pa.; June 18, Williamsport, Pa.; July 30, Chicago, Ill.: Aug. 22, San Diego, Calif.; Aug. 23, Los Angeles, Calif.; Aug. 24, Santa Barbara, Calif.; Aug. 25, Modesto, Calif.; Aug. 26, 1977, Oakland, Calif. (2 volumes.)

95-41—Little River, Iowa: (Watershed Project). Hearing before the Subcommittee on Water Resources, Nov. 29, 1977.

95-42—Implementation of the Federal Water Pollution Control Act (Municipal Construction Grants Programs and Related Issues.) Hearings before the Subcommittee on Investigations and Review, July 11, 12 and 13, 1978.

95-43—Flood Control Act Amendments. Hearing on H.R. 8061 before the Subcommittee on Water Resources, Nov. 16, 1977, at Harrisburg, Pa., and Nov. 17, 1977, at Sunbury, Pa.

95-44—Appalachian Child Development. Hearing on H.R. 8777 and Related Bills before the Subcommittee on Economic Development, Oct. 13, 1977.

95-45—Hurricane Protection Plan for Lake Pontchartrain and Vicinity. Hearing before the Subcommittee on Water Resources, Jan. 5, 1978, New Orleans, La.

95-46—Highway/Transit Proposals (Part 3.) Hearing on H.R. 10578 before the Subcommittee on Surface Transportation, Feb. 1, 1978.

95-47—Union Station/National Visitor Center. Hearings before the Subcommittee on Public Buildings and Grounds, Feb. 22, 23; Mar. 1 and 2, 1978.

95-48—Aviation Regulatory Reform. Hearings on H.R. 11145 before the Subcommittee on Aviation, Mar. 6 and 7, 1978.

95-49—Special Bridge Replacement Program—Apportionment of Funds (Table 1) and Interstate Apportionment Table for Apportioning 1980 Fiscal Year Funds (Revised Table 5) for H.R. 11733; with October 1978 attachment (Revised Table I). (Committee Print.)

———Report of the Committee on Public Works and Transportation pursuant to section 302(b) of the Congressional Budget Act of 1974, June 16, 1978. (H. Rept. 95-1300.)

95-50—Administration of the Local Public Works Capital Development and Investment Program. Joint hearings before the Subcommittee on Economic Development and the Subcommittee on Investigations and Review, March 7, 9 and 10, 1978.

95-51—Impact of Interlining on Commuter Airlines. Hearing before the Subcommittee on Aviation. March 18, 1978, at Miami, Florida.

95-52—To Provide Additional Authorization for the Library of Congress James Madison Memorial Building. Hearing before the Subcommittee on Public Buildings and Grounds on H.R. 12342. April 26, 1978.

95-53—FAA Facility and Equipment Programs for Safety. Hearings before the Subcommittee on Aviation, May 16 and 17, 1978.

95-54—Modification of Secondary Treatment Requirements for Discharges into Marine Waters. Hearings before the Subcommittee on Water Resources, May 24 and 25, 1978.

95-55—Federal Disaster Relief Program. Hearings before the Subcommittee on Investigations and Review, Apr. 24; May 16, 17 and 18, 1978.

95-56—Data Relating to H.R. 13059, Water Resources Development Act of 1978. August 1978. (Committee Print.)

95-57—Hazardous Materials Transportation (H.R. 11871 and H.R. 11872)—Independent Safety Board Act Amendments (H.R. 12106). Joint hearings before the Subcommittee on Aviation and the Subcommittee on Surface Transportation, April 19 and 20, 1978.

95-58—Airport and Airway Development Act and Related Matters. Hearings before the Subcommittee on Aviation, June 6, 7 and 8, 1978.

95-59—Coal Pipeline Act of 1978. Hearings before the Subcommittee on Surface Transportation on H.R. 1609, March 22 and April 11, 1978.

95-60—Water Resources Development Act of 1978. Hearings before the Subcommittee on Water Resources on H.R. 13059, June 20, 21, 22 and 27, 1978.

95-61—International Terrorism. Hearings before the Subcommittee on Aviation on H.R. 13261, July 18, 19, 20 and 25, 1978.

95-62—Smithsonian Institution Museum Support Facilities. Hearing before the Subcommittee on Public Buildings and Grounds on S. 1029, Aug. 14, 1978.

——Report of the Committee on Public Works and Transportation pursuant to section 302(b) of the Congressional Budget Act of 1974, Oct. 6, 1978. (H. Rept. 95–1735.)

95-63—Watershed Projects: Cypress Creek, Alabama and Tennessee; Dynne Creek, Alabama; Factory Creek, Alabama; East Fork Cadron Creek, Arkansas; Lower Cadron Creek, Arkansas; North Fork Cadron Creek, Arkansas; Anderson River, Indiana; Middle Creek, Kansas; Wet Walnut No. 2, Wet Walnut No. 3, Wet Walnut No. 5, Kansas; Twenty-Five Mile Stream, Maine; Boulder River, Montana; Short Creek, Ohio; Kickapoo Nations, Oklahoma; McKinney-Buzzard Creek, Oklahoma; Robinson Creek, Oklahoma; Bush River, Virginia; Cedar Run, Virginia; Great Creek, Virginia; Goose Creek, Washington; Pine River, Wisconsin. Hearing before the Subcommittee on Water Resources, Sept. 21, 1978.

95-64—1978 Amendments to the Local Public Works Capital Development and Investment Act and the Public Works and Economic Development Act. Hearings before the Subcommittee on Economic Development on H.R. 11610, H.R. 12993 and related bills, June 27, 28, 29; July 12, 1978.

95-65—Flooding Problems, Red River of the North. Joint hearings before the Subcommittee on Investigations and Review and Subcommittee on Water Resources, Sept. 30, 1978, at East Grand Forks, Minnesota.

95–66—Organizational and Policy Issues Pertaining to the Economic Development Administration. Joint hearing before the Subcommittee on Economic Development and Subcommittee on Investigations and Review, Oct. 13, 1978.

95–67—Legislative History. Ninety-Fifth Congress. Committee on Public Works and Transportation, U.S. House of Representatives. (Committee Print.)

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Union Calendar No. 973

Congress, 2d Session - - - - - - - - - - - - - - House Report No. 95-1839

REPORT ON ACTIVITIES DURING THE 95TH CONGRESS

COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

NUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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WASHINGTON : 1979

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[1] Resigned, Jan. 22, 1977.
[2] Resigned, Jan. 25, 1978.
[3] Elected, Jan. 27, 1977.
[4] Elected, Mar. 16, 1977.
[5] Elected, Feb. 22, 1978.

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Union Calendar No. 973

Congress } HOUSE OF REPRESENTATIVES { REPORT
Session } { No. 95–1839

EPORT OF THE COMMITTEE ON AGRICULTURE ON ACTIVITIES DURING THE 95TH CONGRESS

NUARY 3, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. FOLEY, from the Committee on Agriculture,
submitted the following

REPORT

n accordance with rule XI, clause 1(d) of the Rules of the House
epresentatives, the Committee on Agriculture reports herewith
s activities during the 95th Congress.

UMMARY OF ORGANIZATION AND JURISDICTION OF THE COMMITTEE ON AGRICULTURE

A. ORGANIZATION

n the 95th Congress the total authorized membership of the Com-
tee was raised to 46 from 43, the level at which it had been in the
n Congress, leaving a party division of 31 Democrats and 15 Re-
licans representing districts in 31 States. Among the Committee
nbers were 10 Congressmen who were serving their first terms. The
mittee was organized into 10 subcommittees, 6 of which were
gned to jurisdiction over major agricultural commodities and 4
which dealt with various agriculture operations. The 10 subcom-
tees were as follows:

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[1] Resigned Jan. 25, 1978.
[2] Assigned Feb. 27, 1978.

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E DE LA GARZA, Texas
FREDERICK W. RICHMOND, New York
ALVIN BALDUS, Wisconsin
BERKLEY BEDELL, Iowa
GLENN ENGLISH, Oklahoma
LEON E. PANETTA, California
TOM HARKIN, Iowa
FLOYD J. FITHIAN, Indiana
DAN GLICKMAN, Kansas
GEORGE E. BROWN, JR., California

EDWARD R. MADIGAN, Illinois
JAMES M. JEFFORDS, Vermont
RICHARD KELLY, Florida
E. THOMAS COLEMAN, Missouri
RON MARLENEE, Montana

DEPARTMENT INVESTIGATIONS, OVERSIGHT, AND RESEARCH (RATIO 10–4)

E DE LA GARZA, Texas, *Chairman*

GEORGE E. BROWN, JR., California
IKE SKELTON, Missouri
JOHN BRECKINRIDGE, Kentucky
JACK HIGHTOWER, Texas
GLENN ENGLISH, Oklahoma
FLOYD J. FITHIAN, Indiana
JOHN W. JENRETTE, JR., South Carolina
RAY THORNTON, Arkansas
JOSEPH S. AMMERMAN, Pennsylvania

CHARLES THONE, Nebraska
MARGARET M. HECKLER, Massachusetts
CHARLES E. GRASSLEY, Iowa
RON MARLENEE, Montana

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[1] Assigned Jan. 27, 1977.
[2] Assigned Apr. 19, 1977.
[3] Assigned Apr. 19, 1977.

Domestic Marketing, Consumer Relations, and Nutrition (Ratio 8-3)

FREDERICK W. RICHMOND, New York, *Chairman*

MATTHEW F. McHUGH, New York[1]
DANIEL K. AKAKA, Hawaii
LEON E. PANETTA, California
RICHARD NOLAN, Minnesota
ALVIN BALDUS, Wisconsin
DAN GLICKMAN, Kansas
HAROLD L. VOLKMER, Missouri[2]
TED RISENHOOVER, Oklahoma[3]

STEVEN D. SYMMS, Idaho
MARGARET M. HECKLER, Massachusetts
CHARLES E. GRASSLEY, Iowa

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[1] Resigned Jan. 25, 1978.
[2] Assigned Jan. 27, 1977.
[3] Assigned Feb. 27, 1978.

Family Farms, Rural Development, and Special Studies (Ratio 10-4)

RICHARD NOLAN, Minnesota, *Chairman*

JOHN BRECKINRIDGE, Kentucky
DANIEL K. AKAKA, Hawaii
CHARLES ROSE, North Carolina
FREDERICK W. RICHMOND, New York
JAMES WEAVER, Oregon
TOM HARKIN, Iowa
BERKLEY BEDELL, Iowa
MATTHEW F. McHUGH, New York[1]
LEON E. PANETTA, California
TED RISENHOOVER, Oklahoma[2]

CHARLES E. GRASSLEY, Iowa
KEITH G. SEBELIUS, Kansas
E. THOMAS COLEMAN, Missouri
RON MARLENEE, Montana

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[1] Resigned Jan. 25, 1978.
[2] Assigned Jan. 27, 1978.

House Committee on Agriculture Members of the Welfare Reform Subcommittee of the Committees on Agriculture, Education and Labor, and Ways and Means

THOMAS S. FOLEY, Washington
FRED W. RICHMOND, New York
MATTHEW F. McHUGH, New York[1]
DANIEL K. AKAKA, Hawaii
RICHARD NOLAN, Minnesota
DAN GLICKMAN, Kansas[2]

WILLIAM C. WAMPLER, Virginia
STEVEN D. SYMMS, Idaho

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[1] Resigned Jan. 31, 1978.
[2] Assigned Jan. 31, 1978.

B. COMMITTEE JURISDICTION

The Committee on Agriculture was officially established in 1820 and 60 years later, in 1880, the subject of forestry was added to its jurisdiction. For some time the Committee had the authority to receive estimates and report agricultural appropriations, but in 1920 this authority was transferred to the Committee on Appropriations.

The main areas of this Committee's jurisdiction include the consideration of laws dealing with general farm policy. This jurisdiction extends to the adulteration of seeds, insect pests, and protection of birds and animals in forest reserves; agriculture generally; agricultural and industrial chemistry; agricultural colleges and experiment stations; agricultural economics and research; agricultural education extension services; agricultural production and marketing and stabilization of prices of agricultural products, and commodities (not including distribution outside of the United States); animal industry and diseases of animals; crop insurance and soil conservation; dairy industry; entomology and plant quarantine; extension of farm credit and farm security; forestry in general, and forest reserves other than those created from the public domain; human nutrition and home economics; inspection of livestock and meat products; plant industry, soils, and agricultural engineering; rural electrification; commodities exchanges; and rural development.

Some of the specific areas in which the Committee exercises its jurisdiction or which have been created for the Committee by historical reference include:

(1) Public Law 480, Eighty-third Congress, as amended, except for distribution of commodities outside the United States, the restoration, expansion, and development of foreign markets for American agricultural products and of international trade in agricultural products; and the effect of the European Common Market and other regional economic agreements and commodity marketing and pricing systems upon United States agriculture.

(2) All matters relating to the establishment and development of an effective Foreign Agricultural Service pursuant to title VI of the Agricultural Act of 1954.

(3) Matters relating to rural development including rural telephone banks, nonfarm rural housing loans, rural water supply, flood control and water pollution control programs, and loans for rural firehouses, community centers and businesses.

(4) Matters relating to the development, use and administration of the national forests, including but not limited to development of a sound program for general public use of the national forests consistent with watershed protection and sustained-yield timber management, and study of the forest fire prevention and control policies and activities of the Forest Service and their relation to coordinated activities of other Federal, State, and private agencies.

(5) Price spreads of agricultural commodities between producers and consumers.

(6) The formulation and development of improved programs for agricultural commodities; matters relating to the inspection, grading, and marketing of such commodities; and the effect of trading in futures contracts for such commodities.

(7) The administration and operation of agricultural programs through State and county committees and the administrative policies and procedures relating to the selection, election, and operation of such committees.

(8) The administration and development of watershed programs pursuant to Public Law 566, Eighty-third Congress, as amended; the development of resource conservation and development programs pursuant to the Food and Agricultural Act of 1962, the Agricultural Act of 1970, and the Food and Agriculture of 1977.

(9) Programs of food assistance or distribution supported in whole or in part by funds authorized to be used by the Department of Agriculture, including but not limited to the Food Stamp Program and the commodity distribution program.

(10) All matters relating to pesticides, the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and the Federal Environmental Pesticide Control Act of 1972.

(11) All matters relating to the Commodity Credit Corporation Charter Act.

(12) Legislation relating to the general operations and the Organic Act of the Department of Agriculture, the Commodity Credit Corporation, the Federal Crop Insurance Corporation, Farm Credit Administration, and the Commodity Futures Trading Commission.

The Committee also reviews and studies, on a continuing basis, the current and prospective application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of that Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof. In addition, the Committee, along with other standing Committees of the House, has the function of reviewing and studying on a continuing basis the impact or probable impact of tax policies affecting subjects within its jurisdiction as described above.

II. COMMITTEE ACTIVITIES DURING THE 95TH CONGRESS

A. MAIN LEGISLATIVE ACTIVITIES

In the 95th Congress, the Agriculture Committee was engaged in one of the busiest periods in its 158 years of existence handling a wide-ranging scope of legislation affecting all America—rural and urban America alike, farmers, consumers, the nation's businessmen, the underprivileged, and many others.

The Committee reported a total of 42 bills, 38 of which were enacted into law. An additional bill in the Committee's sole area of jurisdiction was enacted on which no report was prepared. One bill was defeated in the House, a conference report on another bill was likewise defeated in the House, a third bill passed the Congress but failed of enactment because of a Presidential veto, and the House did not complete action on the balance.

At the outset of the 95th Congress the Committee was faced with the need to review and restructure legislation affecting farm programs for the basic agricultural commodities; the Agricultural Trade, Development and Assistance Act of 1954; and the Food Stamp Program because of the expiration of current legislation affecting those programs. The Food and Agriculture Act of 1977 (Public Law 95-113) was the outgrowth of efforts to this end and represented the major piece of legislation handled by the Committee in the first session of the 95th Congress. The Act is the most comprehensive food and agriculture measure to be enacted by Congress in many decades and was the culmination of months of work in both Houses of the Congress, including 38 hours of discussion on the floor of the House.

The Food and Agriculture Act consists of 19 titles and covers such important issues as the commodity programs; grain reserves; emergency feed program; the food stamp and commodity distribution programs; national agricultural research, extension, and teaching; solar energy research; wheat and wheat foods research and nutrition education act; rural development and conservation; amendments to the Agricultural Trade, Development and Assistance Act of 1954; amendments to the Federal Grain Inspection Act; special requirements for advisory committees in the Department of Agriculture; and a number of other important issues.

The agricultural commodities covered by the commodity programs in the bill include wheat, feed grains, upland cotton, rice, peanuts, soybeans, sugar, dairy products, and wool. The commodity programs provide basic price and income assurance so that farmers will be willing to maintain production for the benefit of consumers both here and abroad. At the same time, it gives the producer great flexibility in decisions concerning farm planning. The Act revises and restructures the target price programs for wheat, feed grains, upland cotton, and rice. It makes major revisions in the peanut program allowing increased production for the world market by producers with allotments. It provides a mandatory support program for sugar producers for the 1977 and 1978 crops to assure income protection at a time of depressed farm prices. It also establishes a mandatory loan program on soybeans, and extends and revises the dairy and wool programs.

The Act contains a major revision of the Food Stamp Program to simplify administration and encourage participation and eliminate fraud. Some of the important changes made in the program include elimination of the requirement that most households receiving food stamps spend some of their income to purchase the stamps. Elimination of the purchase requirement removes the potential for vendor fraud in the handling of cash, simplifies program administration, and lowers program administrative costs. Another important change is the provision for a standard deduction of $60 per month, plus 20 percent of earned income, with an allowance for an excess shelter deduction and dependent care deduction of up to $75 per month. Among other things, it removes more than one million persons then in the program from program rolls because of high gross income and authorizes a four-year extension of the program with a limit on spending authority of $5.8 billion in 1978, and $6.2 billion in each of the years 1979, 1980, and 1981.

The Food and Agriculture Act of 1977 also makes major revisions in the agricultural research, extension, and teaching program. It establishes the Department of Agriculture as the lead agency in the Federal Government for research, extension, and teaching in the food and agricultural sciences. The legislation authorizes operating funds and grants for all research, extension, and teaching for fiscal year 1978 at $890 million, as compared with a Presidential budget request totaling $835 million. The bill expands this total authorization for these purposes, through gradual annual step-up provisions, to $1.42 billion in fiscal year 1982, and requires reauthorization of all such programs after fiscal year 1982. The Act expands the type of research, extension, and teaching program which may be carried out by the Department by authorizing a new competitive research grants program; special grants to rapidly expand scientific breakthroughs; grants for research facilities, including construction or expansion of veterinary medical schools; grants for small farm research and extension, solar research and development, and research on extraction of hydrocarbons and alcohol from agricultural commodities; and grants for animal health and disease research. The many other provisions contained in this Act are summarized later in this report.

The Food and Agriculture Act of 1977 was supplemented in 1978 by a coordinated, three-part package of new laws to help depressed segments of the Nation's agriculture and to pave the way for improved farm income in future years.

The first part of the package, developed following widespread distress caused by low grain prices in late 1977 and early 1978, was an act providing emergency assistance to producers of wheat, feed grains, and upland cotton (Public Law 95–279). The Act authorizes increased target prices for grains and cotton in seasons when government set-aside programs are in effect. This was followed in August by enactment of the Agricultural Credit Act of 1978 (Public Law 95-334), the farthest-reaching expansion of farm credit programs adopted in many years to aid farmers facing foreclosure. In October, Congress completed the final part of the package by enactment of the Agricultural Trade Act of 1978 (Public Law 95–501), an act designed to promote further growth in overseas sales of American farm products.

The emergency agricultural act provides that in any year through 1981 in which the Secretary of Agriculture establishes set-aside programs of acreage reduction the Secretary is authorized to increase the target price for the commodity subject to set-aside, and for other commodities as well. Under authority of this law, the 1978 wheat target was raised from the $3 a bushel provided by the basic 1977 farm act to $3.40, and the 1979 wheat target was continued at $3.40. The legislation also set a 48-cent minimum loan rate for cotton while continuing to tie the cotton loan program to a formula aimed at keeping cotton competitive in world markets. Before adoption of the bill, the House had defeated a farther-reaching increase in grain and cotton supports.

The Agricultural Credit Act of 1978 combines an emergency program for farmers facing foreclosure with previously pending provisions to update credit programs operated by the Farmers Home Administration. Under the emergency section, the Agriculture Department is authorized to guarantee or insure up to $4 billion in loans through May 15, 1980, with individual farmers eligible for credit guarantees or insurance up to $400,000. Older FmHA programs were revised to increase the $100,000 limit on real estate loans to $300,000 for guaranteed loans and $200,000 for insured loans, and increase the $50,000 limit on operating loans to $200,000 for guaranteed loans and $100,000 for insured loans. Many other provisions were included improving credit for farmers, rural homeowners, and communities, including authority for a special program of low-interest farm real estate loans for beginning and low-income farmers. The Act also extends to producers of rice provisions comparable to those contained in the emergency act adopted earlier in the session for wheat, feed grains, and cotton producers.

The Agricultural Trade Act of 1978 (in which the Committee shared jurisdiction with the International Relations Committee) seeks to promote export sales by broadening Federal export credit programs and expanding the government's sales promotion machinery. Foreign countries currently eligible for three-year financing on purchases of U.S. farm products are made eligible by the legislation for credits running up to 10 years on several specifically defined types of transactions including purchases of breeding livestock and grain destined for approved reserve programs. In addition, China was made eligible for three-year credit and the Agriculture Department was instructed to open six to 25 overseas sales promotion centers.

One of the significant areas of work in the second session was the updating and revision of two regulatory statutes, the Federal Insecticide, Fungicide, and Rodenticide Act and the Commodity Exchange Act, resulting from the expiration on September 30, 1978, of sunset provisions concerning the funding of these two Acts.

The Federal Pesticide Act of 1978 was the result of months of oversight activity regarding administration of FIFRA during which the Subcommittee on Department Investigations, Oversight, and Research heard testimony in which all sectors of opinion supported significant changes in the Act. The new Act provides a major overhaul of existing law by granting the States new powers over pesticide regulation, simplifying procedures which had bogged down administration of pest chemical controls, and otherwise taking account of the many concerns brought to the Committee's attention. It also extends the funding authority for the pesticide programs operated by the Environmental Protection Agency through September 30, 1979.

The Act includes a section under which a State is given expanded powers (subject to restrictions detailed in the legislation) to approve additional uses of federally registered pesticides for use within the State to meet special local needs. State registrations could not be granted on uses previously denied, disapproved or cancelled by EPA, or in cases where there is no federal tolerance or exemption for residues in food or feed. The EPA could not, under the bill, disapprove a State registration on grounds of claims that the pesticide is not essential. The Agency could suspend the authority of a State to register local-use pesticides, however, if the State lacked adequate controls—but only after setting up regulations to govern such suspensions. Further, the EPA could immediately disapprove a State pesticide registration if an imminent hazard existed.

Another section of the Act includes a provision for settling a long controversy over compensation for chemical manufacturers whose test data—after submission to EPA to back up registration requests—are used by other firms as part of later registration applications. The Act provides that all test data submitted to EPA after December 31, 1969, will be subject to compensation—paid by the firm which uses it on a new application—for 15 years after initial filing of the data. A manufacturer who submits data in the future supporting registration of a product with a new active ingredient will be entitled to exclusive use of the data for 10 years from the date his product is registered.

To help resolve procedural problems which have slowed registration and re-registration of some 40,000 pesticides by EPA, the Act makes important changes in existing law. It authorizes simplified registration procedures, including provision for "conditional registration" in some circumstances, and allows EPA to "classify" any currently approved pesticide without waiting for completion of the drawn-out process of re-registering the chemical involved.

The Futures Trading Act of 1978 provides a four-year extension of the funding authority for the Commodity Futures Trading Commission and makes a number of substantive changes in the governing statute for that agency.

The Commodity Futures Trading Commission was established as an independent regulatory agency by the 1974 amendments to the Commodity Exchange Act and its powers expanded over its predecessor agency, the Commodity Exchange Authority, an agency within the Department of Agriculture. Despite several significant accomplishments in its first years of existence and despite operating under difficult circumstances, the Commission has been the subject of much public controversy. The Act takes account of these concerns and strengthens the Act to assure that commodity futures markets provide fair treatment to businessmen, traders, and farmers.

The Act bans the sale of most commodity options to the general public until the CFTC gives the two Congressional Agriculture Committees evidence—including detailed proposed regulations—that it has developed an effective regulatory program. Even then, the new rules could not take effect before a 30-day waiting period intended to give the Committees time to review them.

So-called "trade options" purchased by businessmen handling affected commodities could continue despite the general ban, and a limited use of so-called "dealer options" issued by qualified domestic firms, and foreign firms which submit to CFTC regulation, would also be permitted unless later banned by the agency.

The Act clarifies the role of States in helping to enforce commodity trading controls. States would not be given regulatory powers, but they would be given authority to bring civil cases in federal courts for alleged violations of the federal futures trading law or regulations. Also, the Act makes clear that it does not prohibit States from proceeding in State courts with actions based on their own general criminal or civil anti-fraud laws.

On another important issue, the Act requires the Commission to maintain liaison with the Department of the Treasury, the Federal Reserve Board, and the Securities and Exchange Commission for the purpose of keeping those agencies fully informed of Commission activities related to their areas of responsibility. This will insure that full consideration would be given to the impact these actions would have on the debt financing requirements of the U.S. Government and the continued efficiency and integrity of the underlying market for Government securities.

Among other changes provided by the Act are provisions strengthening the Commission's authority over leverage contracts, tightening penalties for violations of the Act, and authorizing the Commission, subject to approval by the Congressional Agriculture Committees, to adopt a plan charging reasonable user fees to cover the cost of regulating transactions.

The Committee also acted on several natural resource and conservation bills. The Soil and Water Resources Conservation Act of 1977 (Public Law 95–192) adopted in 1977 establishes a mechanism for making long-range policy to encourage the wise and orderly development of the Nation's soil and water resources. It was patterned after the process established for planning management of the National Forests under the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. The Act is not land-use legislation but provides merely for assistance at the request of the landowner.

Several forestry bills were enacted into law by the Congress in the
econd session. Public Law 95–233 amends the National Forest Man-
agement Act of 1976 which had required nationwide use of sealed
bidding, with limited exceptions for sales of National Forest timber.
Under the new law, the Secretary of Agriculture is allowed to restore
se of oral bidding methods traditionally used in the Northwest, with
afeguards to prevent collusion. The oral system was revived because
ncertainty created about availability of local timber supplies in
ealed-bid sales threatened the economy of many Western communities.

The Forest and Rangeland Renewable Resources Research Act of
978 (Public Law 95–307) and the Renewable Resources Extension
Act of 1978 (Public Law 95–306) expand the authority of the Secre-
ary of Agriculture to conduct forestry and rangeland renewable re-
ources research, including establishing a new program of competitive
rants and also provides for an expanded forest and rangeland renew-
ble resources extension program. The Cooperative Forestry Assist-
nce Act (Public Law 95–313) expands an existing program of incen-
ive grants to owners of non-commercial private woodlands which
xperts say must be managed more efficiently in order to meet growing
ational needs. Under the legislation, assistance for tree planting and
anagement improvement can now go to owners of woodland tracts
p to 5,000 acres.

Another important bill handled by the Committee was enacted into
w as the Agricultural Foreign Investment Disclosure Act of 1978
Public Law 95–460). This Act was drafted in response to widespread
ublic concern about the extent to which foreign citizens may be
quiring American farmland. The new law was designed to gather
rd facts on the issue so that decisions can be made about whether
y government action is necessary. After Agriculture Department
gulations become final in early 1979, all foreign citizens who then
n U.S. agricultural land will be required to file reports with the
ecretary of Agriculture within 180 days. Thereafter, all foreign
tizens who acquire or transfer interests in agricultural land will be
quired to file reports within 90 days of the transaction. The informa-
on will be available to the public and to State authorities, and the
ecretary will make periodic summary reports to the Congress. For-
gn "persons" required to file reports include corporations and other
tities as well as individuals.

Other important legislation handled by the Committee includes an
ct amending the Federal Meat Inspection Act regarding humane
ethods of slaughter (Public Law 95–445); an Act amending the
ackers and Stockyards Act (Public Law 95–409); an Act providing
r a rural transportation study (Public Law 95–580); and the Native
atex Commercialization and Economic Development Act of 1978
Public Law 95–592) to authorize a program of research, develop-
ent, and demonstration of guayule rubber production and manu-
cture.

There were two significant bills reported by the Committee which
ere not enacted into law. The International Sugar Stabilization Act
1978 (H.R. 13750) jointly considered by this Committee and the
ays and Means Committee provided a new five-year domestic sup-
rt program for sugar and authorized U.S. participation in an Inter-
tional Sugar Agreement. The bill was in response to severely de-

pressed farm prices. Differing measures passed the House and the Senate. A Conference Report containing a Senate-House compromise passed the Senate but was defeated in the House just before adjournment. The compromise legislation had drawn fire from corn sweetener interests because of inclusion in the legislation of provisions for a direct producer payment. This issue is likely to be considered again by the Committee in the 96th Congress.

Another bill, the International Emergency Wheat Reserve Act of 1978 (H.R. 13835) provided for the establishment of a reserve of three million metric tons of wheat for use in meeting future emergencies abroad in developing countries. The bill was reported by the House Agriculture Committee and also by the International Relations Committee which shared jurisdiction on this legislation with an amendment increasing the size of the reserve. The measure did not reach the House floor because it was reported too late in the session.

In the 95th Congress, the full Committee conducted 44 open hearings and met in 116 open business meetings to discuss legislation and other problems. The full Committee and the 10 Subcomittees met a total of 420 times in hearings and business sessions. No closed sessions were held during the 95th Congress.

In addition to consideration of legislation, the Committee and its various Subcommittees conducted numerous oversight hearings. At the outset of the second session, there was widespread concern regarding depressed farm prices and the effect it was having upon the ability of farmers in many parts of the country to maintain a viable farming operation and survive in the farming business. Delegations of farmers converged on the Congress to express their concern. The full Committee held eight full days of oversight hearings on the current agricultural situation to hear testimony from all interested sectors of the farm community and others. Legislation described above was an outgrowth of the oversight hearings. The full Committee also held hearings on implementation of the U.S. Grain Standards Act of 1976.

Nine of the Subcommittees held oversight hearings on many issues affecting the agricultural community. These included such diverse matters as coffee prices; nutrition education; the drought situation; energy needs on family farms; the impact of federal regulation of chemicals and related drug products on the dairy, poultry, and honey industries; Resources Planning Act implementation, frozen dessert proposals; review of operations of the Foreign Agricultural Service and Agricultural Research Service operations; Federal Crop Insurance Program; meat marketing referendum; brucellosis outbreak in New York and Vermont; the economic value of the tobacco program; the effect of smoking on nonsmokers; review of operation of the Peanut Program; food safety and quality service activities; shortage of railroad cars in grain shipments; rural development proposals, as well as a number of other issues.

Considerable time was also spent by the Committee reviewing the budgets of the Department of Agriculture and other agencies under its jurisdiction for the purpose of making recommendations to the Budget Committee for use in formulating proposed budget ceilings required under the Congressional Budget Act of 1974.

The budget work was completed prior to March 15, 1978, and the requisite report made to the Budget Committee. In its legislative work the Committee was subjected to the time discipline of the Budget Act nd expedited consideration of the authorizing legislation so as to omply with the May 15 reporting date. The influence of the Act was lt in other ways, as well, by the heightened concern for government st in actions taken on legislation.

Finally, as part of its legislative activities, the Committee reviewed number of watershed projects proposed by the Department of Agriculture for which its approval is required as a prerequisite for funding nder the Watershed and Flood Prevention Act (Public Law 566, 3rd Congress).

B. STATISTICAL SUMMARY OF ACTIVITIES

(1) Statistics on bills referred to House Committee on Agriculture

umber of bills referred:

ouse bills	711
enate bills	22
ouse joint resolutions	9
ouse concurrent resolutions	18
ouse resolutions	25
Total	785

DISPOSITION OF BILLS

ills reported:[1]	
House reports	42
Conference reports	8
Bills reported enacted into law:	
Public law	37
Private law	1
Bills voted down in House	1
Conference reports voted down in House	1
Not acted on by the House	2
Regular vetoes	1
eports submitted by the Executive on pending legislation:	
Reports requested from USDA	72
Reports received from USDA:	
Unfavorable	41
Favorable	33
eports requested from other departments and agencies:	
Unfavorable	13
Favorable	6
No comment	1

[1] Includes three bills reported added by amendment on House floor to other bills subquently enacted into law and one bill enacted on which no House report filed.

(2) NUMBER OF HEARINGS AND MARKUPS

Committee	Open business meetings	Open hearings	Field hearings	Closed meetings	Total
l Committee	116	44	0	0	160
ubcommittees:					
Conservation and Credit	25	25	4	0	54
Cotton	4	1	0	0	5
Dairy and Poultry	4	8	0	0	12
Department Investigations, Oversight and Research	16	22	2	0	40
Domestic Marketing, Consumer Relations and Nutrition	11	32	2	0	45
Family Farms, Rural Development and Special Studies	4	20	14	0	38
Forests	5	14	11	0	30
Livestock and Grains	8	8	5	0	21
Oilseeds and Rice	0	6	3	0	9
Tobacco	2	1	3	0	6
Total	195	181	44	0	420

C. DIGEST OF BILLS REPORTED BY THE COMMITTEE

1. Bills Reported—Enacted into Law

Public Law 95–47 (S. 955)

Federal Crop Insurance Act Amendments (approved June 16, 1977). Increased from $100 million to $150 million the capital stock of the Federal Crop Insurance Corporation. The stock would be subscribed by the United States with payment subject to the call of the Board of Directors of the Corporation, with the approval of the Secretary of Agriculture.

Public Law 95–48 (S. 1240)

Wheat Marketing Quota Referendum (approved June 17, 1977). Amends the Agricultural Adjustment Act of 1938 to permit the wheat marketing quota referendum for wheat for the marketing year beginning June 1, 1978, to be deferred from August 1, 1977 until 30 days after the adjournment of Congress or October 15, 1977, whichever is earlier. (The marketing quota provisions were included in permanent law which had been suspended through the 1977 crop and were to become effective again with the 1978 crop. Later in the session, they were again suspended through the 1981 crop by the Food and Agriculture Act of 1977.)

Public Law 95–54 (H.R. 3416)

Tobacco Quota Transfers (approved June 25, 1977). Amends section 316(c) of the Agricultural Adjustment Act of 1938 which provides for flue-cured tobacco producers the opportunity to lease from other such producers acreage-poundage quotas needed to increase production or market larger than anticipated crops by increasing from 50 to 80 percent the portion of the acreage quotas which must be planted by both lessor and lessee farms.

Public Law 95–113 (S. 275)

Food and Agriculture Act of 1977 (approved September 29, 1977). This legislation supplants the 1973 Agriculture and Consumer Protection Act which expired at the end of the 1977 crop year. It is omnibus farm legislation and consists of 19 separate titles which are summarized in brief outline below:

TITLE I: PAYMENT LIMITATION

Total aggregate deficiency and diversion payments to each producer of wheat, feed grains, and upland cotton are limited to $40,000 in 1978, and $45,000 in 1979. Rice payments are limited to $52,250 in 1978, and $50,000 in 1979. In 1980 and 1981 there is a single payment limitation of $50,000 that will apply to the total payments received on wheat, feed grains, upland cotton and rice. Exempt from limitations beginning in 1978 are payments for disaster, certain resource adjustments and public access for recreation.

TITLE II: DAIRY AND BEEKEEPER PROGRAMS

Provides that from October 1, 1977 until March 31, 1979, the price of milk will be supported at between 80 and 90 percent of parity. After March 31, 1979, the support level reverts to permanent law which requires that the price be supported at between 75 and 90 percent of parity. The support price must be adjusted on a semi-annual basis through March 31, 1981.

The provisions of the Agricultural Act of 1970 relating to milk marketing orders and the authority for donation of dairy products to military services or veterans' hospitals are extended for four years through fiscal year 1981; and the dairy indemnity program is amended to authorize indemnity payments on account of chemical residues, nuclear radiation, or fallout in certain circumstances.

The Secretary of Agriculture is required to issue standards of quality for ice cream. The legislation specifies, among other things, limitations on the quantity of whey which may be contained in the product. Only those products meeting the standard issued by the Secretary could contain the USDA symbol of quality. The beekeeper indemnity program is also extended for four years through fiscal year 1981.

TITLE III: WOOL AND MOHAIR

Extends the National Wool Act of 1954, which requires the Secretary to provide price supports for wool and mohair for four years through fiscal year 1981, and raises the support rate for marketing years 1977 through 1981 to 85 percent of the statutory formula rate.

TITLES IV AND V: WHEAT AND FEED GRAINS

Target prices.—The target prices for 1977 are established at $2.90/bu. for wheat and $2.00/bu. for corn (with comparable levels set for grain sorghums, and if designated, barley and oats based on their relation to corn) to be paid on a producer's planted acreage up to the level of his farm allotment. For 1978, the target price for wheat is established at $3.05/bu., if production is 1.8 billion bushels or less, and $3.00/bu. if production is in excess of that amount. The 1978 corn target price is established at $2.10/bu. (with comparable levels for grain sorghums, barley and oats based on their relation to corn) to be paid on a percentage of the acreage planted for harvest. For 1979 and subsequent years, all target prices will be adjusted to reflect changes in certain specified costs of production. Deficiency payments are computed on the difference between the target price and the average market for the first five months of the marketing year or the loan level, whichever is higher.

Program acreage.—Target price or deficiency payments for 1978 and subsequent years will be based on the producer's share of the national farm program acreage which is the aggregate number of harvested acres needed to meet domestic and export use and to produce any desired increase or decrease in carryover levels. The Secretary is required to make payments on not less than 80 percent of total harvested acreage and producers who voluntarily reduce production by the percentage recommended by the Secretary are paid on 100 percent of their harvested acreage. The national program acreage for wheat for a given crop year must be set by August 15 of the preceding year and for feed grains by November 15 of the preceding year.

Loans.—The wheat loan rate is set at a minimum of $2.25 for the 1977 crop and $2.35 for the 1978 through 1981 crops with a maximum of 100 percent of parity. The corn loan rate for the 1977–1981 crops is set at a minimum of $2.00/bu. with other feed grain loan levels reflecting their relationship to corn. The Secretary may adjust the loans for wheat and feed grains downward a maximum of 10 percent for the next crop year whenever the yearly national average price for the commodity averages below 105 percent of the current year's loan. However, the loan rate could never be lowered to less than $2.00/bu. for wheat or $1.75/bu. for corn and these rates would automatically snap back to their respective $2.35 and $2.00 levels whenever the yearly average market price was over 105 percent of the current year's loan rate. Any increased target price payments triggered by this provision would be exempt from the payment limitation.

Set-aside.—Authority is provided under which the Secretary may, as a condition for eligibility for loans and payments, require producers on a farm to set aside a percentage of the acreage planted for harvest. The Secretary may also offer payments to farmers to divert cropland to conserving uses in addition to set-aside.

Disaster programs.—Disaster payments for prevented planting for the 1978 and 1979 crops are based on the smaller of (1) the acreage intended to be planted or (2) the average acreage planted for wheat or feed grains (including any acreage which the producer was prevented from planting to wheat or other non-conserving crop) in the immediately preceding year, multiplied by 75 percent of the program yield times a payment rate equal to 33⅓ percent of the target price per bushel for the respective crop. Low yield disaster payments are made for the 1977, 1978, and 1979 crops of wheat and feed grains if the total quantity of the crop harvested is less than the figure obtained by multiplying 60 percent of the farm program yield times the acreage planted for harvest. In that event, payment is made at a rate equal to 50 percent of the established target price for the deficiency in production below 60 percent. If a set-aside program is in effect, producers must meet such set-aside requirements in order to be eligible for disaster payments on such crop.

TITLE VI: COTTON

Beginning with the 1978 crop all program benefits will be tied to planted acres as in the case of wheat and feed grains rather than the old allotment system.

The loan rate for the 1978 through 1981 crops of upland cotton is established under a statutory formula designed to adjust the loan rate in response to fluctuations in the world market price. The target price is also established according to a formula with a statutory minimum of 52 cents per pound for the 1978 crop, to be adjusted according to the change in certain specified costs of production for the 1979 through 1981 crops with a statutory minimum of 51 cents per pound. The loan level will be announced no later than November 1 of the calendar year preceding the marketing year that the loan is to be effective.

A disaster payment program is provided for the 1978 and 1979 crops. Prevented planting disaster payments are made for the affected acres at a rate of one-third of the target price on 75 percent of program yields. Disaster payments for low yield are provided on one-third of the target price on any shortfall in production below 75 percent of normal yield.

The Secretary may require a set-aside of no more than 28 percent of planted acres and may offer payments to farmers to divert cropland to conserving uses in addition to set-aside.

TITLE VII: RICE

For the 1978 through 1981 crops, the target price is established at the level for the previous year adjusted to reflect changes in certain specified costs of production for rice. The loan rate for the 1978 through 1981 crops is established at the same ratio to the preceding year's loan rates as the ratio of the current year's target price to the preceding year's target price. However, the loan rate can be adjusted downward in order to make rice competitive in world markets in times of low prices (but at no time can it fall below $6.31/cwt.). Disaster payments are provided for the 1978 and 1979 crops and for low yields are based on the harvested acreage within the acreage allotment below 75 percent of normal yield at the rate of one-third of the target price. Prevented planting payments are based on one-third of the target price for the affected acres.

Loans and target prices are available to rice produced under allotment only. Target price payments are based on the difference between the target price and the higher of (1) national average market price for the first five months of the marketing year for the crop, and (2) the loan rate.

The Secretary is authorized to require a set-aside if he determines supplies will be excessive and also to make payments for acreage diverted whether or not a set-aside is in effect.

TITLE VIII: PEANUTS

A new peanut program is established for the 1978 through 1981 crops. The program provides for a two-tier price system for peanuts. Beginning in 1978, a national allotment of 1,614,000 acres will be the minimum assigned to allotment holders for total peanut production. Minimum national poundage quotas are provided for the 1978 through 1981 crops and the preliminary farm yield established for the 1978 crop will be used each crop year to determine each grower's share of the national marketing quota.

Lease and transfer of peanut allotment is permitted and is no longer subject to the discretion of the Secretary.

The Secretary is required to support the price of quota peanuts of the 1978 through 1981 crops at not less than $420 per ton.

In addition, the Secretary has discretionary authority to set lower support rates for so-called additional peanuts (i.e., peanuts produced from allotted acreage in excess of the poundage quota established for the farm).

TITLE IX: SOYBEANS AND SUGAR

Soybean price support.—The Secretary is required to establish a soybean loan and purchase program but has discretion to set the level of support in relation to competing commodities and foreign and domestic supply and demand factors. No target price or set-aside programs are provided for soybeans.

Sugar.—The Secretary is required to support the price of the 1977 and 1978 crops of sugar beets and sugar cane through loans and purchases at a level between 52.5 percent and 65 percent of parity, but not less than 13.5 cents per pound raw sugar equivalent. Minimum wage rates for agricultural employees engaged in the production of sugar under the price support program must be established. The Secretary would be authorized to suspend operations of the sugar price support program at such time as he determines there is an International Sugar Agreement in effect which would maintain a U.S. raw sugar price of at least 13.5 cents per pound.

TITLE X: MISCELLANEOUS

Special grazing and hay program for wheat acreage.—Provides that the Secretary *may* elect during any crop year to allow wheat producers to graze or harvest for hay up to 50 acres or 40 percent of their wheat, feed grain, or cotton acreage (whichever is greater), in return for payments at a rate determined by the Secretary. Acreage designated for this program could not be harvested for grain and would be ineligible for price support payments.

Filberts.—Adds filberts to the list of commodities included in the provision of the Agricultural Marketing Agreement Act of 1937 which requires that imports of such commodities meet grade and quality standards established by domestic marketing orders.

American agriculture protection program.—Provides that whenever the President of the United States or any other member of the executive branch of the Federal Government causes to be suspended, based upon a determination of short supply, the commercial export sales of certain commodities to any country or area with which the United States otherwise continues commercial trade, the Secretary of Agriculture shall, on the day the suspension is initiated, set the loan level for such commodities under the Agriculture Act of 1949, as amended, if a loan program is in effect for the commodity, at 90 percent of the parity price.

TITLE XI: GRAIN RESERVES

International emergency food reserve.—The President is encouraged to negotiate with other nations and to establish a food reserve as a contribution of the United States toward the development of an international emergency food reserve.

Producer storage program (farmer-held reserve).—The Secretary is required to offer wheat producers and is authorized to offer feed grain producers an extended loan program of not less than three nor more than five years' duration. The quantity of wheat held under such a farmer-held reserve must not be less than 300 million nor more than 700 million bushels. As an incentive to producer participation in the program, the Secretary is authorized to pay the annual storage costs of the grain as well as to waive or adjust interest rates. Whenever the national average price reaches between 140 and 160 percent of the loan, the Secretary may discontinue the storage payments and charge interest to encourage the producer to redeem the loan and market the grain. If the producer redeems his loan before the average price reaches 140 percent, the producer will be subject to a penalty determined by the

Secretary. Whenever the national average price reaches between 140 and 160 percent of the loan, the Secretary may discontinue the storage payments and charge interest to encourage the producer to redeem the loan. The CCC resale price for Government-owned stocks would be set price reaches 175 percent of the loan, the Secretary may recall the loan. The CCC resale price for Fovernment-owned stocks would be set at 150 percent of the current loan whenever a similar kind of grain is held under a three- to five-year extended loan program. Otherwise the CCC resale price would be 115 percent of the current loan.

Emergency feed program.—The Secretary is authorized to implement a program to preserve and maintain livestock if as a result of a natural disaster he determines that an emergency exists.

Disaster reserve.—The Secretary is authorized to purchase through CCC facilities such wheat, feed grains, soybeans, hay, and other livestock forages as are needed to alleviate distress due to natural disaster.

Farm storage facility loans.—Authorizes the Commodity Credit Corporation during fiscal years 1978 through 1981 to make secured storage facility loans of up to $50,000 for terms of up to ten years to facilitate on-farm storage of grain, soybeans, rice, forage, and silage.

TITLE XII: PUBLIC LAW 480 (FOOD FOR PEACE)

Extends the Food for Peace program for four years through fiscal year 1981.

Provides that all food commodities financed under Title I of Public Law 480 be purchased on the basis of a public tender, publicly opened in the United States consistent with such open, competitive and responsive bid procedures as determined by the Secretary.

Prohibits the payment of any commissions to any selling agent in connection with purchases of food financed under Title I, unless the Secretary waives the requirement.

Require that any compensation paid or to be paid by any supplier of a commodity or ocean transportation financed under Title I to any representative of the importer or importing country shall be reported to the Secretary of Agriculture by the supplier.

Provides that a part of the supply of agricultural commodities could be used to carry out urgent humanitarian purposes of the Act although the supply does not exceed estimated domestic requirements, adequate carryover, and anticipated export for dollars.

Provides that bagged commodities for the purpose of financing by CCC may, subject to regulations prescribed by the Secretary, be considered "exported" upon delivery at port and upon presentation of a dock receipt in lieu of an on-board bill of lading.

TITLE XIII: FOOD STAMP AND COMMODITY DISTRIBUTION PROGRAMS

Entitled the "Food Stamp Act of 1977" this title effects a major revision of the food stamp program and includes the following provisions:

Extends the program for four years through fiscal year 1981 at appropriation levels ranging from $5.8 billion in 1978 to $6.2 billion in 1981.

Eliminates the requirement that recipients purchase food stamp coupons at a discount and provides instead that recipients receive only the amount of food stamps which represents the discount or bonus value over and above the amount they were formerly required to pay. This also removes the potential for vendor fraud in the handling of cash, and should simplify program administration and lower program administrative costs.

Strengthens work requirements by mandating that recipients who can work must register for work, search for work, accept available work, and continue to work or else lose food stamp eligibility.

Reduces net income eligibility from $6,804 to $5,850 for a household of four.

Provides a standard deduction of $60 per month with adjustments to reflect changes in the Consumer Price Index for items other than food, plus 20 percent of earned income.

Allows an excess shelter expense deduction of up to $75, or a dependent care deduction of up to $75, or a combination of both not to exceed———.

Establishes an asset limitation of $1,750 per household except for households of two or more containing a member age 60 or over. The limit for households with an elderly member is $3,000. The fair market value of cars in excess of $4,500 is counted against the asset limitation.

Removes more than one million persons currently on the program from program rolls because of high gross income.

Requires needy students, even if not tax dependents, to work at least 20 hours a week or register for such work, unless they already support others.

Provides 14 pilot projects to test the requirement that work registrants who do not find jobs in the private sector within 30 days accept public service jobs at the minimum wage rate, and be paid in the form of their food stamp allotments.

Permits disqualification of the fraudulent for up to 27 months.

Allows Indian tribal organizations to administer the food stamp program on reservations if the Secretary determines that the State agency is failing to administer the program properly and that the tribal organization is capable of administering the program effectively and efficiently. The Secretary is authorized to provide administrative costs for program operation on reservations in such amounts as he determines necessary for effectiv program operation.

Requires a single interview for determining the eligibility for food stamps of AFDC families, requires that SSI households be allowed to apply for food stamps at Social Security offices and requires that public assistance and general assistance application forms include information necessary to determin food stamp eligibility.

Authorizes a four-year extension of the Commodity Supplemental Food Program for pregnant women and children including Federal reimbursement of a portion of local administrative costs.

TITLE XIV: RESEARCH AND EXTENSION

Entitled the "National Agricultural Research, Extension, and Teaching Policy Act of 1977", this title provides for a major expansion and improved coordination of these activities in the food and agriculturalal sciences. Establishes the USDA as the lead agency in the Federal Government for research, extension, and teaching in the food and agricultural sciences. Establishes new ceilings on authorizations for existing research in the food and agricultural sciences ranging from $505 million in fiscal year 1978 to $780 million in fiscal year 1982, and requires reauthorization of all such programs after fiscal year 1982. Also expands total authorizations for agricultural research, extension, and teaching purposes, through gradual annual step-up provisions, to $1.42 billion in fiscal year 1982.

Increases Hatch Act authorizations for State Agricultural Experiment Stations over the five-year period from $120 million to $220 million per year. Authorizes a new competitive research grants program.

Also authorizes special grants to rapidly expand scientific breakthroughs; grants for expanding research facilities and for constructing or expanding veterinary medical schools; small farm research and extension; permanent authorization for research and extension at the 1890 land grant colleges; solar energy research and development; research on extraction of hydrocarbons and alcohols from agricultural commodities; expanded extension programs over five years; and grants for animal health and disease research. Solar energy for agricultural uses is given increased priority with increased funding and provisions for demonstration projects.

Provides for educational grants and fellowships, an annual national agricultural research award, and creation of two statutory advisory groups: (1) a Joint Council on Food and Agricultural Sciences composed of professionals named by the Secretary of Agriculture from the USDA and other Government agencies, land grant and other universities, state experiment stations, and other entities; and (2) a National Agricultural Research and Extension Users Advisory Board composed of users of research from the agriculture community, consumer and environmental organizations.

TITLE XV: RURAL DEVELOPMENT AND CONSERVATION

Raises from $250,000 to $1 million the threshold expenditure above which watershed protection and flood prevention projects require approval by appropriate Congressional committees.

Raises from $5 million to $10 million the amount a local watershed district may borrow from the Farmers Home Administration to finance the local share of a watershed.

Raises from $250,000 to $500,000 the amount a local sponsor of a resource conservation and development project can borrow from the Farmers Home Administration without the approval of the appropriate Congressional committees.

Requires the Secretary to work with the General Services Administration to encourage the use of Federal excess personal property by rural fire fighting forces. Authorizes $7 million annually through fiscal year 1980 for the rural community fire protection program.

Amends the Soil Conservation and Domestic Allotment Act to specify that financial assistance will be provided to agricultural producers for carrying out enduring conservation and environmental enhancement measures. Eligibility for financial assistance would be determined by the existence of conservation or environmental problems that reduce the productive capacity of the land and water or that cause environmental degradation.

Authorizes the Secretary of Agriculture to provide, for the purpose of promoting conservation of soil and water, incentive payments of up to $30 per acre for farmers in the Great Plains Conservation Program area under two-year agreements to convert certain cropland from soil depleting crops to soil conserving cover crops.

Adds aquaculture and human nutrition to the basic program missions of the U.S. Department of Agriculture.

Authorizes the Farmers Home Administration to make certain types of loans for aquaculture purposes.

TITLE XVI: FEDERAL GRAIN INSPECTION

Provides for 100 percent funding of grain inspection supervision costs by the Federal Government, reduces reporting requirements for small elevators and establishes an advisory grain inspection committee. In addition this title makes sundry technical amendments to the United States Grain Standards Act.

TITLE XVII: WHEAT AND WHEAT FOODS RESEARCH

Entitled the "Wheat and Wheat Foods Research and Nutrition Education Act" this title provides for an orderly procedure whereby a Wheat Industry Council, financed through an assessment on end product manufacturers, will develop a coordinated program of research and nutrition education. This program would be designed to improve and enhance the quality and make the most efficient use of American wheat, processed wheat and wheat end products, to help ensure a better and more adequate diet for all Americans as well as foreign consumers. Retail bakeries are exempt from the provisions of the Act.

TITLE XVIII: DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

Provides guidance to the Secretary of Agriculture on establishment, direction and reporting requirements for advisory committees other than advisory committees composed wholly of Federal employees, or established by statute or by the President.

TITLE XIX: EFFECTIVE DATE

Provides that, except as otherwise provided, all provisions of the Food and Agriculture Act of 1977 become effective on October 1, 1977.

Public Law 95-156 (*H.R. 9090*)

Disaster Payments (approved November 8, 1977). Exempted disaster payments made in connection with the 1977 crops of wheat, feed grains, rice and upland cotton from the payment limitations contained in the Agricultural Acts of 1949 and 1970; also required the Secreary to conduct a study of alternative programs for an all-risk, all-crop surance and report his findings to the President for transmission to he Congress by March 1, 1978.

Public Law 95–181 (H.R. 9704)

Federal Crop Insurance Act Amendments (approved November 15. 977). Increased from $150 million to $200 million the capital stock of e Federal Crop Insurance Corporation and required the Secretary f Agriculture to study and report to Congress by March 1, 1978 on lternative programs of all-risk, all-crop insurance.

Public Law 95–192 (S. 106)

Soil and Water Resources Conservation Act of 1977 (approved ovember 18, 1977). Required the Secretary of Agriculture to de- elop and submit to Congress in January 1980, and again in January 985, both an appraisal of the soil, water and related resources of the ation and a program to guide the Soil Conservation Service in assist- g private land owners to conserve such resources. The President is lso required to submit to the Congress, at the time of presenting the dministration's budget, reports evaluating the effectiveness of these ograms and their success in meeting the policy objectives of the Act.

Public Law 95–233 (S. 1360)

Amendment to the National Forest Management Act of 1976 (ap- roved February 20, 1978). Revised section 14(e) of the National orest Management Act of 1976 to delete requirement for sealed bid- ing on all sales and require instead that the Secretary of Agriculture elect such methods, including sealed bidding, as will insure open d fair competition and a proper return to the Government on sales f trees, portions of trees, or forest products from National Forest ystem lands.

Public Law 95–279 (H.R. 6782)

Emergency Agriculture Act of 1978 (approved May 15, 1978). Title of this Act amended the Food and Agriculture Act of 1977 to pro- ide that whenever a set-aside is in effect for any of the 1978 through 81 crops of wheat, feed grains or upland cotton, the Secretary of griculture may increase the established (target) price for any such mmodity in such amount as the Secretary determines appropriate compensate producers for participation in such set-aside. If the cretary increases the established rice of a commodity pursuant to is Act, he may increase also the established price of any other com- odity in such amount as the Secretary deems necessary for effective eration of the program. Title I also amended section 103(f) of the gricultural Act of 1949 to change the formula for computing the an rate for upland cotton and established a minimum loan rate of cents per pound.

Title II gave the Secretary of Agriculture discretion to authorize oduction on set-aside acreage of commodities (other than commodi- es for which acreage is set aside or diverted) which are to be used the production of gasohol.

Title III increased the limit on the borrowing authority of the mmodity Credit Corporation from an aggregate of $14.5 billion n aggregate of $25 billion.

Titled IV amended the Agricultural Marketing Agreement Act of 77 to permit amendment of the raisin marketing order to permit assessment of handlers for paid advertising and also to allow such handlers to deduct expenditures for brand name advertising from assessments for research and promotion. In addition, the Secretary of Agriculture is required to report to the Congress with respect to the first two years of operation under the authority provided in this title.

Public Law 95-289 (*S. 2370*)

Amendment to Volunteers in National Forests Act of 1972 (approved June 5, 1978). Removed the ceiling of $100,000 on the amount authorized to be appropriated for the incidental expenses of volunteers under the Act.

Public Law 95-306 (*H.R. 11779*)

Renewable Resources Extension Act of 1978 (approved June 30, 1978). Authorized appropriations of up to $15 million per year for 10 consecutive fiscal years beginning with fiscal year 1979 for an expanded forest and rangeland renewable resources extension program. Requires the Secretary of Agriculture to submit to the Congress in 1980 and every fifth year thereafter a renewable resources extension program which is to be related to the periodic assessment and periodic appraisal required by the Forest and Rangeland Renewable Resources Planning Act of 1974, and the Soil and Water Resources Conservation Act of 1977. Requires each State to submit annually for review by the Secretary and the National Agricultural Research and Extension Users Advisory Board a cordinated renewable resources extension program. Requires the Secretary to coordinate activities under this Act with those under Title XIV of the Food and Agriculture Act of 1977.

Public Law 95-307 (*H.R. 11778*)

Forest and Rangeland Renewable Resources Research Act of 1978 (approved June 30, 1978). Authorizes the Secretary of Agriculture to conduct a comprehensive program of forest and rangeland renewable resources research in the areas of management, environment, resource protection, resource utilization, and resource assessment. Expanded the authority of the Secretary to accept gifts and coperate in research with foreign countries. Established a new program of competitive grants for renewable resources research. Provides that funds appropriated remain available until expended; and requires the Secretary by regulation to coordinate activities under this Act with those under Title XIV of the Food and Agriculture Act of 1977.

Public Law 95-313 (*H.R. 11777*)

Cooperative Forestry Assistance Act of 1978 (approved July 1, 1978). Consolidates in one statute authority for several major programs in cooperative forestry assistance and authorizes consolidated payments to States under certain of these programs in order to give States some flexibility in establishing priorities subject to an overall 50 percent Federal—50 percent State matching fund requirement. In brief this Act would also—

Integrate the cooperative tree seed and plant program, the cooperative forest management program, and the cooperative tree improvement program into one program, rural forestry assistance.

Authorize financial assistance to State foresters to carry out silvicultural practices on non-Federal lands when private vendors of such practices are not available.

Clarify the role of the State forester in the administration of the forestry incentives program.

Limit the benefits of the forestry incentives program generally to owners of 1,000 acres or less of private forest land.

Expand the insect and disease control program to the protection of wood products, stored wood, and wood in use.

Integrate the cooperative forest fire program with rural community fire protection program.

Establish a rural fire disaster fund which would be available to the Secretary to assist States overwhelmed by a disastrous fire situation.

Formally establish programs in management assistance, planning assistance, and technology implementation.

Make cooperative forestry assistance funds available to the States until expended.

Eliminates dollar figure limitations on appropriation authorizations.

Public Law 95–334 (H.R. 11504)

Agricultural Credit Act of 1978 (approved August 4, 1978).

TITLE I

In brief outline, amends the Consolidated Farm and Rural Develop- ent Act as follows:

(A) *Farm ownership and related loans.*—Private domestic corpora- ons, cooperatives, and partnerships are made eligible and the dollar itation is increased from $100,000 to $200,000 in the case of direct insured loans and $300,000 in the case of guaranteed loans. The terest rate is increased to the cost of money to the Government in e case of direct or insured loans, and to such rate as may be nego- ated between borrower and lender in the case of guaranteed loans. owever, the maximum repayment period of 40 years and the 5 per- nt interest rate ceiling on water and waste disposal and community cility loans are retained. The aggregate ceiling of $500 million on ans outstanding under the Agricultural Credit Insurance Fund ACIF) is eliminated and the Secretary of Agriculture is authorized use funds from the ACIF to pay administrative expenses and to urchase guaranteed portions of loans. A new program of farm owner- ip loans at low interest rates is established for low income farmers, as ell as a new program of loans for electric transmission facilities.

(B) *Farm operating and related loans.*—Private domestic corpora- ns, cooperatives, and partnerships are made eligible and the dollar itation is increased from $50,000 to $100,000 in the case of direct insured loans, and $200,000 in the case of guaranteed loans. The terest rate is established at the cost of money to the Government in e case of direct and insured loans, and at such rate as may be nego- ated between borrower and lender in the case of guaranteed loans. he provision for extension of operating loans for up to 5 years in dition to the initial period of seven years is eliminated. However, e Secretary is authorized to consolidate and reschedule outstanding ans for additional periods of up to seven years from the date of nsolidation.

(C) *Other selected amendments.*—Farm cooperatives are made igible for emergency loans and the requirement that emergency loan interest rates be based on Small Business Administration loan rates is eliminated. The Secretary is empowered to defer principal and interest and forego foreclosure of any loan under any statutes administered by the Farmers Home Administration, and to establish a procedure for appeals from determinations of a county committee. Beginning with fiscal year 1980, the aggregate principal amount of loans for each three-year period must be authorized, and separate authorizations and/or appropriation act limitations must be provided for direct or insured, as distingiushed from guaranteed loans.

TITLE II

Entitled the "Emergency Agricultural Credit Adjustment Act of 1978" this title empowers the Secretary of Agriculture to insure or guarantee economic emergency loans of up to $400,000 to bona fide farmers and ranchers including farm cooperatives, private domestic corporations and partnerships. Preference is given to family-sized farms. Loans may be made to refinance existing farm and home real estate indebtedness and other farm and essential home debts, as well as to finance valid farming operations other than the purchase of additional land. The interest rate on insured loans is the cost of money to the Government, and on guaranteed loans is the rate negotiated between borrower and lender. The repayment periods are the same as for loans for similar purposes under the Consolidated Farm and Rural Development Act, except that the Secretary may authorize repayment periods of up to 20 years for farm operating loans. This loan program and its attendant administrative costs is to be funded out of the Agricultural Credit Insurance Fund with administrative expenses reimbursed to the Fund out of annual appropriations. The Secretary is authorized to purchase all or any portion of any insured or guaranteed loan or to defer principal and interest. The aggregate principal balance of loans under this title and subtitles A and B of the Consolidated Farm and Rural Development Act to any person may not exceed $650,000. The aggregate total amount of loans outstanding under this program at any one time may not exceed $4 billion. The Secretary's authority to insure or guarantee loans under this title expires May 15, 1980.

TITLE III

This title extends the Emergency Livestock Credit Act of 1974 through fiscal year 1979, and clarifies that bona fide farmers or ranchers owning livestock that are fed in custom feedyards are eligible for loans. Also, the Beef Research and Information Act is amended to reduce from two-thirds to a majority the number of producers who must by referendum approve a research and promotion progam before such a program may take effect.

TITLE IV

This title establishes an Emergency Conservation Program under which the Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency measures to rehabilitate farmland damaged by natural disasters, or to effect water conservation or enhancement. The Secretary is also authorized to carry out emergency measures to prevent or retard soil erosion. The program may be carried out by the Commodity Credit Corporation bust must be funded from previously appropriated funds.

TITLE V

This title amends section 1001(b) of the Food and Agriculture Act of 1977 to add rice to the list of commodities for which, when a set-aside is in effect, the Secretary of Agriculture is authorized to increase the target price by such amount as the Secretary determines appropriate to compensate producers for participaton in the set-aside.

Public Law 95–396 (S. 1678)

Federal Pesticide Act of 1978 (approved September 30, 1978). Amends the Federal Insecticide, Fungicide and Rodenticide Act to extend authority for pesticide programs operated by the Environmental Protection Agency through September 30, 1979.

Also, in broad outline, the Act—

Provides that all test data submitted after December 31, 1969, in support of an application for registration of a pesticide will be compensable for a period of 15 years from the date the data are submitted. Binding arbitration is provided where the parties are unable to agree on amount of compensation. In the case of pesticides registered after the date of enactment of this provision, there will be a period of exclusive use for data submitted in support of the registration of a product containing a new active ingredient running for 10 years from the date the product is registered. There will be a period of exclusive use for data submitted in support of an application for registration of a new use of a registered product equal to the time of exclusivity remaining under any 10-year exclusive use period of the product.

Authorizes the Administrator of the Environmental Protection Agency to conditionally register or reregister products in certain situations, even though certain of the data that are required for complete registration or reregistration have not yet been generated, or, if on file with the Administrator, have not yet been reviewed for validity or sufficiency.

Provides that the Administrator may not initiate a public interim administrative review process to develop a risk-benefit evaluation of the ingredients of a pesticide or any of its uses (a rebuttable presumption against registration (RPAR)) prior to initiating a formal action to cancel, suspend, or deny registration of such pesticide, required under FIFRA, unless such interim administrative process is based on a validated test or other significant evidence raising prudent concerns of unreasonable adverse risk to man or to the environment.

Provides that, with certain exceptions, all information concerning the objectives, methodology, results, or significance of any test or experiment performed on or with a registered or previously registered pesticide or its separate ingredients, and any information concerning the effects of such pesticide on any organism or the behavior of the pesticide in the environment, will be available for disclosure to the public. However, this authority does not authorize the disclosure of any information that—

(1) discloses manufacturing or quality control processes,

(2) discloses the details of any methods for analyzing the quantity of deliberately added inert ingredients of pesticides, or

(3) discloses the identity or percentage quantity of any deliberately added inert ingredient of a pesticide,

unless the Administrator has first determined that disclosure is necessary to protect against an unreasonable risk of injury to health or the environment.

Provides, with certain exceptions, that the Administrator may not knowingly disclose information submitted by an applicant or registrant under FIFRA to any employee or agent of any business or other entity engaged in the production, sale, or distribution of pesticides in foreign countries or to any other person who intends to deliver such data to such foreign or multinational business entities, unless consent is given for such disclosure.

Authorizes States to approve additional uses of federally registered pesticides except when such use has been previously denied, disapproved or cancelled or where no federal tolerance level exists.

Authorizes the Environmental Protection Agency to suspend the authority of a State to register local use pesticides but prohibits disapproval of a State registration on the ground that the pesticide is non-essential.

Authorizes States which have adequate pesticide use laws and regulations to exercise primary enforcement responsibility for pesticide use violations.

Authorizes the Administrator to enter into cooperative agreements with the States for enforcement and applicator training on a 50–50 matching cost basis.

Authorizes simplified registration procedures including authority for conditional registration. Authorizes agency classification of currently approved pesticides prior to completion of reregistration procedures in order to expedite determination as to which pesticides should be available for general public use and which for restricted use only by trained and certified applicators.

Provides that an applicator who holds and applies pesticides solely to provide a service of controlling pests without delivering any unapplied pesticide is not deemed to be a seller or distributor of pesticides under the Act.

Limits the scope of the prohibition in the Act against the use of a pesticide in a manner inconsistent with its labeling, by providing four specific exceptions. In addition, application of a pesticide for agricultural and forestry purposes at a dilution less than labeled dosage would not be considered a use inconsistent with the label after March 31, 1979, unless the Administrator issues regulations consistent with the results of a study required by the Act which specifically requires definite dilution amounts.

Authorizes appropriation of such sums as may be necessary, but not in excess of $70 million, to fund the pesticide programs of the Environmental Protection Agency for fiscal year 1979.

Public Law 95–400 (S. 3271)

Amendment to the workfare pilot project provision of the Food Stamp Act of 1977 (approved September 30, 1978). Extends from

March 31, 1979 until October 1, 1980 the due date for the final report o Congress on the 14 pilot workfare projects and provides, in addi- ion, for an interim report due October 1, 1979.

Public Law 95–402 (S. 3468)

Amendment to section 103(f) of the Agricultural Act of 1949 approved September 30, 1978). Deletes statutory formula for quar- rly calculation of interest rates on cotton price support loans thus ermitting the Commodity Credit Corporation to determine the inter- t rate for cotton loans on the same schedule and under the same ocedures as for other price supported commodities.

Public Law 95–405 (S. 2391)

Futures Trading Act of 1978 (approved September 30, 1978). This gislation makes numerous changes in the statutory provisions relat- g to futures trading. Among these are the following:

Extends the authorization of appropriations to carry out the Commodity Exchange Act for four years through fiscal year 1982.

Prohibits the sale of most commodity options to the public until the Commodity Futures Trading Commission has documented its ability to regulate such transactions to the satisfaction of the Agriculture Committees of the House and Senate. However, "trade options" would not be affected and limited dealings in dealer options issued by qualified domestic firms and foreign firms which submit to regulation by the Commission are permitted unless banned by the Commission.

Authorizes States to bring civil actions in Federal courts for violations of the Federal futures trading law or regulations and disclaims any prohibition against the States enforcing their general civil or criminal anti-fraud statute in State court.

Increases the gravity of certain criminal violations from misdemeanors to felonies and raises the maximum fine which may be levied against an organization for commission of a felony from $100,000 to $500,000.

Prohibits appearance or practice before the Commodity Futures Trading Commission of any former Commissioner or employee who held a grade of GS–16 or higher in the excepted service for one year after such person leaves the employ of the Commission.

Requires the Commission to coordinate with the Department of the Treasury, the Federal Reserve Board, and the Securities and Exchange Commission in connection with any activities involving he responsibilities of those agencies and solicit the advice of the Treasury Department and the Securities and Exchange Commis- ion on futures trading of securities issued or guaranteed by the United States or any of its agencies.

Requires the Commission to give proper public notice of pro- osed changes in contract market by-laws, rules, regulations, and esolutions which the Commission determines to be of major eco- omic significance.

Directs the Department of Agriculture to conduct and submit the Congress within one year a study of futures trading in rish potatoes and of the regulation of such trading by the ommission.

Authorizes the Commission, with Senate and House Agriculture Committee approval, to charge reasonable user fees to cover the cost of regulating transactions subject to the jurisdiction of the Commission.

Public Law 95–409 (*S. 3272*)

Amendments to the Packers and Stockyards Act, 1921 (approved October 2, 1978). Amends the Packers and Stockyards Act to provide that auction barn tariff provisions shall not be prohibited because they assess charges for the sale of livestock on a percentage of the gross sales price rather than on a per head basis. The Secretary of Agriculture is required to prescribe rates on a percentage, per head or other lawful basis selected by the stockyard owner and is empowered to prescribe either maximum or minimum rates, or both. Finally, the Secretary is required to furnish to the House and Senate Agriculture Committees by February 1, 1979, USDA inter-agency task force recommendations as to how livestock sellers may be required to disclose the existence of liens against livestock which they sell.

Public Law 95–436 (*S. 409*)

Roman L. Hruska Meat Animal Research Center (approved October 10, 1978). Redesignates the United States Meat Animal Research Center located near Clay Center, Nebraska, as the "Roman L. Hruska Meat Animal Research Center".

Public Law 95–439 (*S. 286*)

Animal and Plant Quarantine Notice Requirements (approved October 10, 1978). Repealed outdated and ineffective provisions for notice to carriers and the public contained in three animal and plant quarantine statutes administered by the Secretary of Agriculture. Deleted provision for a minimum fine of $100 under the Act of May 29, 1884, and clarifies that the Secretary has discretion to determine whether or not to impose an animal disease quarantine under the Act of March 3, 1905.

Public Law 95–441 (*S. 2946*)

Relinquishing Exclusive Legislative Jurisdiction (approved October 10, 1978). Authorizes the Secretary of Agriculture to relinquish to a State all or part of the exclusive legislative jurisdiction of the United States over land or interests under his control in that State.

Public Law 95–442 (*S. 2951*)

Acceptance of Gifts by the Secretary of Agriculture (approved October 10, 1978). Authorizes the Secretary of Agriculture on behalf of the United States, to accept, hold, utilize, and administer gifts, bequests, or devises of real an personal property made to or in aid of the U.S. Department of Agriculture or its functions.

Public Law 95–443 (*S. 3045*)

Farm Credit Loans for Fishing Boats (approved October 10, 1978). Amends the Farm Credit Act of 1971 to make loans by production credit associations and federal intermediate credit banks to producers or harvesters of aquatic products repayable over a period of 15 years as an exception to the seven-year repayment period which otherwise would apply.

Public Law 94-445 (S. 3092)

Humane Methods of Slaughter Act of 1978 (approved October 10, 1978). Amends the Federal Meat Inspection Act to require the Secretary of Agriculture to survey methods of slaughter employed in all inspected establishments, to prohibit slaughter in any manner not in accordance with the Humane Slaughter Act of 1958, and to prohibit importation of carcasses or meat unless the livestock from which they were produced were slaughtered in accordance with the Humane Slaughter Act of 1958. The protections accorded to ritual slaughter in the 1958 Act are preserved intact and, in addition, ritual slaughter and handling in connection with such slaughter are exempt from the provisions of this Act.

Public Law 95-446 (S. 3274)

Carl Hayden Bee Research Center (approved October 10, 1978). Redesignates the Department of Agriculture's Bee Research Laboratory in Tucson, Arizona, as the "Carl Hayden Bee Research Center".

Public Law 95-451 (S. 3467)

W. R. "Bob" Poage Pecan Field Station (approved October 11, 1978). Redesignates the Department of Agriculture's Pecan Field Station in Brownwood, Texas, as the "W. R. 'Bob' Poage Pecan Field Station".

Public Law 95-460 (S. 3384)

Agricultural Foreign Investment Disclosure Act of 1978 (approved October 14, 1978). Requires any foreign person who holds, acquires, or transfers any interest, other than a security interest in U.S. agricultural land to submit a report to the Secretary of Agriculture detailing the acreage, legal description, purchase price and intended agricultural use of such land.

Defines a foreign person as including any organization in which a significant interest or substantial control is exercised directly or indirectly by any foreign person.

Authorizes the Secretary of Agriculture to determine the true owners of foreign and foreign-controlled organizations by requiring reports from persons in the second and third tiers of ownership of such organizations and by investigating whether the reports submitted under this Act accurately reveal the ultimate ownership of organizations required to report.

Provides a civil penalty of up to 25 percent of the value of the interest in land in question for persons who fail to submit reports or who knowingly submit reports which are false or misleading.

Requires the Secretary to periodically provide the President and Congress with an analysis of the information contained in the reports received by the Department.

Public Law 85-468 (S. 2801)

Henry R. Koen Forest Service Building (approved October 17, 1978). Designates the Ozark National Forest Headquarters Building in Russellville, Arkansas, as the "Henry R. Koen Forest Service Building".

Public Law 95-501 (S. 3447)

Agricultural Trade Act of 1978 (approved October 21, 1978). Amends the Food for Peace Act of 1966 to provide that export sales of agricultural commodities from Commodity Credit Corporation and private stocks on intermediate credit terms in excess of three but not more than 10 years may be financed by the Commodity Credit Corporation. Credit financing for such intermediate credit sales may be made available for four specified purposes, including the export sale of breeding livestock and meeting of credit competition, but may not be used to encourage credit competition for foreign aid, or for debt rescheduling.

Authorizes the Secretary to develop new market opportunities for the sale of U.S. agricultural commodities by providing financing to exporters who sell on deferred payment terms.

Authorizes the Commodity Credit Corporation to provide financing on terms not to exceed three years for commercial sales of agricultural commodities out of private stocks to the People's Republic of China under the short-term export credit or deferred payment sales programs.

Amends title VI of the Agricultural Act of 1954, to provide that the Agricultural Attaches at not less than 10 of the more important posts be upgraded to Agricultural Counselors. Further, amends title VI of said Act to require establishment of not less than six or more than 25 United States Agricultural Trade Offices in other nations, each such office to be administered by an Agricultural Trade Officer and other support personnel who shall enjoy the same privileges and immunities as those enjoyed by comparable Foreign Service personnel.

Establishes in the Department of Agriculture the position of Under Secretary of Agriculture for International Affairs and Commodity Programs.

Requires the Secretary of Agriculture to report annually to the Congress regarding the Department's activities and accomplishments in expanding foreign markets for U.S. agricultural commodities.

Requires the Secretary of Agriculture to appoint an inter-agency task force to report to Congress not later than January 3, 1979 on the effectiveness of the export sales reporting provisions of section 812 of the Agricultural Act of 1970.

Requires the Secretary of Agriculture to submit not later than April 21, 1979 a report to the Congress on the effect on U.S. agriculture of title IV of the Trade Act of 1974.

Public Law 95–547 (*H.R. 13989*)

1890 Land Grant University Agricultural Research Funding Formula (approved October 28, 1978). Amends section 1445(f) of the Food and Agriculture Act of 1977 to clarify the formula for distribution of funds appropriated for agricultural research at the 1890 land grant institutions.

Public Law 95–562 (*S. 976*)

Amendments to the Perishable Agricultural Commodities Act (approved November 1, 1978). Amends the Perishable Agricultural Commodities Act (PACA) to increase the ceiling on the annual license fee which may be prescribed by the Secretary of Agriculture from $100 per year to $150 per year plus $50 for each branch in excess of nine with an aggregate maximum fee of $1,000 for any licensee.

Amends the PACA to remove effective January 1, 1982 the present exemption from regulation for dealers who purchase potatoes for canning and/or processing in the State where grown; increases from

$100,000 to $200,000 per year the perishable agricultural commodity volume which may be handled by brokers or retail dealers before they become subject to regulation; and requires the Secretary to insure compliance with the prompt pay provisions of the Act by inspecting books and records of commission merchants, brokers, or dealers found in formal disciplinary proceedings to have violated such provisions.

Amends the Farm Labor Contractor Registration Act of 1963 to exempt from registration requirements persons who would be required to register solely because they contract to supply the services of full-time students who live at home to detassel and rogue hybrid seed corn or sorghum for seed for not more than four weeks per year.

Public Law 95–580 (S. 1835)

Rural Transportation Advisory Task Force (approved November 2, 1978). Establishes a Rural Transportation Advisory Task Force chaired by the Secretaries of Agriculture and Transportation and consisting of individuals from both government and the private sector. Authorizes the Task Force to publish an initial report and requires the holding of public hearings and publication by December 29, 1979 of a final report including recommendations for determining the essential continuing transportation needs of agriculture, for establishing a national agricultural transportation policy and for identifying impediments to a railroad transportation system adequate for the needs of agriculture. Requires the final report to also include specific recommendations for a railroad transportation system adequate to meet the essential needs of the agriculture industry.

Public Law 95–592 (S. 1816)

Native Latex Commercialization and Economic Development Act of 1978 (approved November 4, 1978). Directs the Secretary of Agriculture and Secretary of Commerce beginning in fiscal year 1980 to carry out a four-year program of research leading to the commercialization of latex from Parthenium (guayule) or other hydrocarbon containing plants.

Establishes the Joint Commission on Guayule Research and Commercialization consisting of representatives from the Departments of Agriculture, Commerce, Interior, and the National Science Foundation to assist the Secretaries of Agriculture and Commerce in carrying out the program.

Requires the Secretary of Agriculture to conduct, sponsor, promote and coordinate basic and applied research, technology development and technology transfer leading to economical and effective large-scale methods for culturing of plantations and extraction of latex from guayule.

Requires the Secretary of Commerce to initiate and carry out research, technology development, technology transfer and demonstration projects which test and demonstrate the economic feasibility of the manufacture of natural rubber from guayule.

Provides that the Secretaries of Agriculture and Commerce and the Joint Commission shall insure that their activities are closely coordinated with the activities of other Federal agencies.

Requires the Secretaries of Agriculture and Commerce to submit periodic reports to the President and the Congress on the status of the research and development with recommendations for funding levels and specific directions for further research and development.

Authorizes appropriation of a total of $30 million over four years to carry out the guayule research program.

Also contains the provisions of H.R. 14287 (ordered reported by the Committee on October 13, 1978) which amends section 320 of the Agricultural Adjustment Act of 1938 to provide that no marketing quota penalties (or history loss) shall be assessed as a result of the marketing of 1975 crop Maryland tobacco (Type 32) which was determined under federal identification of quota types to be Burley tobacco (Type 31).

Private Law 95-62 (*H.R. 12556*)

For relief of Batavia Turf Farms, Inc. (approved October 21, 1978). Directs the Secretary of the Treasury to pay to Batavia Turf Farms, Inc., an amount to be determined by the Secretary of Agriculture to have been lost by the farms during any calendar year commencing with calendar year 1977 through calendar year 1982. The losses resulted from restrictions on the movement of grass sod from the farms under the Federal golden nematode quarantine imposed by the U.S. Department of Agriculture and not from the fault of Batavia Turf Farms, Inc. In the event of a dispute between the Secretary and the farms as to the amount due to the farms, the final determination shall be subject to binding arbitration by a person or persons agreed to by the Secretary and the farms.

2. Bills Reported—Not Enacted Into Law

(A) BILLS VETOED

(*H.R. 2521*)

Domesticated Rabbit Meat Inspection (vetoed November 9, 1977). Would have provided for mandatory inspection of the slaughter of domesticated rabbits and the carcesses, meat and products thereof intended for use as human food by making the provisions of the Poultry Products Inspection Act applicable to such rabbits and articles.

(B) BILL REPORTED—DEFEATED IN THE HOUSE

(*H.R. 13750*)

Sugar Stabilization Act of 1978. (Reported by the Committee on August 11, 1978.) As amended by the Committee of Conference the bill would have:

Provided the President with legislative authority to implement an International Sugar Agreement including authority to limit entry of sugar from non-member countries, prohibit entry of sugar without documentation required by the Agreement and require the keeping of relevant records and the making of relevant reports.

Established a price objective for raw sugar delivered New York of 15 cents per pound for the 1978 sugar supply year, 15.8 cents per pound for the 1979 sugar supply year, and 15.8 cents per pound plus one percent of the price objective for the immediately preceding sugar supply year for sugar supply years 1980, 1981, and 1982.

Authorized payments to processors during the 1978 sugar supply year at such rate, up to 0.75 cents per pound, as would assure a return equivalent to 15.75 cents per pound.

Required the Secretary of Agriculture, not later than 30 days before the beginning of each sugar supply year to recommend to the President imposition of special import duties on the entry of sugar at such rates as would assure that the average daily price of raw sugar imports would meet the price objective for that sugar supply year. Such duties would be subject to adjustment, extension, or removal on the basis of quarterly reviews of their impact on the price objective.

Authorized the Secretary to establish back-up global quotas whenever he determines that the price objective for the year would not be achieved by the special import duties. Would have required the Secretary to suspend any quota whenever he finds that the average daily price of sugar exceeded the price objective by more than 20 percent for 20 consecutive market days and reimpose such quota when the average daily price is less than the price objective for 20 consecutive days.

Exempted from quotas and fees—(1) any sugar having an aggregate value not exceeding $25 entered as samples as for personal use or research; (2) sugar imported for production of alcohol other than for human consumption; (3) sugar entered for the production of yeast or citric acid; and (4) sugar entered for production of polyhydric alcohols except those used as a sweetener for human consumption.

Authorized the President to suspend quotas and fees during times of national emergencies.

Established farm labor provisions under which producers of sugar beets and sugarcane must pay field workers $3.00 per hour for the 1978 sugar supply year and an additional 20 cents per hour each year thereafter through the 1982 sugar supply year. Wage rates for Hawaii and Puerto Rico would be as required by labor union agreement or Federal or local law. Rates for field equipment operators would be at least ten percent more than the foregoing rates. Producers who fail to pay specified wage rates would have an additional liability for liquidated damages equal to the amount of unpaid wages.

Authorized actions for unpaid wages by any one or more employees on behalf of themselves and other employees similarly situated. The Secretary would have been authorized to take actions to recover unpaid wages and liquidated damages. Any hearings on claims for unpaid wages would be conducted by the Office of General Counsel of the Department of Agriculture with rights of appeal to the Judicial Officer of the Department and then to the United States District Courts; and

Prohibited discrimination against field workers involved in production of sugar beets and sugarcane who participate in any wage rate proceeding or investigation under the labor provisions of the Act; prohibited producers from charging field workers for any goods and services furnished in an amount in excess of their reasonable cost; and provided for field workers to be covered by workmen's compensation.

Contained two non-germane provisions—(1) the text of the Tin Buffer Stock Bill and (2) amendments to the Tariff Act of 1930 extending until February 15, 1979, the suspension of the counter-vailing duties provision authorized by the Trade Act of 1974.

(*H.R. 12101*)

Farmer-to-Consumer Direct Marketing Act Extension (reported August 11, 1978). Would have amended the Farmer-to-Consumer Direct Marketing Act of 1976 to extend for one year at a level of $1.5 million the authorization of appropriations to fund farmer-to-consumer direct marketing pilot projects in the various States.

(C) BILLS REPORTED—NO ACTION TAKEN IN THE HOUSE

(*H.R. 9143*)

Emergency Lease and Transfer of Tobacco Allotments (reported September 26, 1977). Would have amended the Agricultural Adjustment Act of 1938 to provide authority to the Secretary of Agriculture to permit the lease and transfer of tobacco acreage allotments across county lines in 1977 if he determined that as a result of a natural disaster a county had suffered a substantial decrease in production.

(*H.R. 11122*)

Agricultural Land Retention Act (reported July 28, 1978). The Agricultural Land Retention Act would have established an eleven member independent Agricultural Land Review Commission to study the critical problem of how to preserve for agriculture the limited prime agricultural land remaining in the United States. Would have authorized a maximum of $5 million to be appropriated for each of the four years of the study. The Commission would have been required, after thorough study and with maximum input from interested members of the public, to report its findings and recommend any further action indicated to the President and to Congress. Would have precluded the Commission from making any recommendation which would result in authorizing direct Federal interference with private property rights or with the prerogatives of State or local governments Act. Any wheat released from the reserve would have been required

(*H.R. 13835*)

International Wheat Reserve Act of 1978 (reported September 12, 1978). The International Emergency Wheat Reserve Act of 1978 would have established an international emergency wheat reserve of up to three million metric tons to provide for emergency food needs in developing countries. Wheat would have been acquired through purchases from producers or in the market and by designation of wheat stocks acquired by the Commodity Credit Corporation. Wheat could have been released from the reserve only when supplies are so limited that the commodity could not be made available under the regular criteria of section 401 of the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480) for disposition under that Act. Any wheat released from the reserve would have been required to be made available under Public Law 480, except that section 401(a) would not be applicable with respect to determinations of availability. The funds and authorities of the Commodity Credit Corporation would have been used by the Secretary in carrying out the International Emergency Wheat Reserve Act, with CCC to be reimbursed from funds made available for carrying out Public Law 480 at the time wheat is released from the reserve.

(D) HOUSE RESOLUTIONS

(*H. Res. 784*)

Commission on Domestic and International Hunger and Malnutrition (passed by the House on November 1, 1977). Expressed the sense of the House of Representatives that the President should establish a Commission on Domestic and International Hunger and Malnutrition so that there may be a better understanding of the pervasiveness of hunger and malnutrition and so that necessary steps may be taken by the President and Congress to counteract the problem.

(D) Legislative Oversight Activities

During the course of the 95th Congress, the Committee held a number of hearings and conducted several studies relative to the application, administration, execution and effectiveness of laws that lie within its jurisdiction and the organization and operation of the Federal agencies having responsibilities for the administration and execution thereof.

As part of its hearings on nearly every bill the Committee and its several Subcommittees review the way the particular agency (usually the U.S. Department of Agriculture) administers existing laws related to the subject matter of the legislation before the Committee. In some cases legislation favorably reported to the House carry a termination date in order to more surely guarantee that in the future Congress will again review the effectiveness and the manner in which the Executive Branch of Government has carried out the letter and the spirit of that statute.

Illustrative of legislation that grew out of extensive oversight hearings by the Committee and its Subcommittees are The Federal Pesticide Act of 1978 and the Futures Trading Act of 1978. The Federal Pesticide Act of 1978 made extensive revisions to The Federal Insecticide, Fungicide and Rodenticide Act and was the outgrowth of oversight conducted by the Department of Investigations, Oversight and Research Subcommittee of EPA's administration of that Act. Similarly, many provisions of the Futures Trading Act resulted from oversight conducted by the Conservation and Credit Subcommittee of administration by C.F.T.C. of the Commodity Exchange Act. In both cases, sunset provisions were retained in the Act to assure that the Committee will again review, in depth, the manner in which those agencies are implementing their obligation under the Act and the need for further updating of the basic legislation.

In addition, however, the Committee and its Subcommittees carried out sessions on specific studies and investigations, which were held in public session and for which printed hearings are available from the Committee. These are set forth chronologically as follows:

January 5, 1977: Implementation of the U.S. Grain Standards Act of 1976. Full Committee, formal briefing.

February 22, 23, 1977: Coffee Prices and the Federal Response. Subcommittee on Family Farms, Rural Development and Special Studies, meeting jointly with Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs.

February 28 (New York City), 1977: Food Stamp Programs. Subcommittee on Domestic Marketing, Consumer Relations and Nutrition.

March 3, 4, 1977: Rural Development Programs, Budget Recommendations and Capital Formation, Job Creation and Employment. Subcommittee on Conservation and Credit and Family Farms, Rural Development and Special Studies; Small Business Committee; and Congressional Rural Caucus.

March 10, 1977: Recommendations to Budget Committee. Full Committee.

March 11, 1977: Foreign Agricultural Service Operations. Department Investigations, Oversight and Research Subcommittee.

March 15, 16, 1977: Drought Situation. Conservation and Credit Subcommittee.

March 17, 18, 19, 24, 1977: Energy Needs on Family Farms. Family Farms, Rural Development and Special Studies Subcommittee.

March 22, 1977: Congressional Rural Caucus Budget Proposals. Full Committee.

May 23, 24, 25, 1977: Chemical and Related Drug Products and Federal Regulatory Process: Impact on dairy, poultry, and honey industries. Dairy and Poultry Subcommittee.

July 8, 1977: Reforestation Efforts in Western Oregon. (Roseburg, Oregon) Forests Subcommittee.

July 26, Aug. 16 (Portland, Oregon), 17 (Coeur D'Alene, Idaho), Sept. 16 (Hot Springs, Ark.), 24 (Warren, Pa.), Oct. 18, 1977: Resources Planning Act Implementation. Forests Subcommittee.

August 2, 1977: Frozen Dessert Proposals; FDA. Dairy and Poultry and Domestic Marketing, Consumer Relations and Nutrition Subcommittees.

August 6 (Sioux City, Iowa), 1977: Meat Marketing Reform Act. Livestock and Grains Subcommittee.

August 15 (Norwalk, Iowa), 1977: Federal Crop Insurance Program. Conservation and Credit Subcommittee.

September 30 (Watertown, N.Y.), Oct. 1 (Burlington, Vt.), 1977: Brucellosis Outbreak in New York and Vermont. Department Investigations, Oversight and Research Subcommittee.

September 30 (Putney, Vt.), Oct. 15 (Mason City, Iowa, and Marshall, Minn.), 28 (Sacramento, Calif.), 29 (Salinas, Calif.), 1977: Obstacles to Strengthening the Family Farm System. Family Farms, Rural Development and Special Studies Subcommittee.

October 6, 1977: Tobacco; Economic Value of Present Programs. Tobacco Subcommittee.

October 12, 1977: Export of U.S. Agricultural Commodities. Livestock and Grains and Oilseeds and Rice Subcommittees.

November 7 (Boston, Mass.), 1977: Nutrition Education. Domestic Marketing, Consumer Relations and Nutrition Subcommittee.

November 10, 11 (Lexington, Ky.), 1977: Rural Development Budget Proposals. Family Farms, Rural Development and Special Studies Subcommittee meeting jointly with Committee on Small Business' Subcommittee on Antitrust, Consumers and Employment.

November 21, (Wichita Falls, Tex.), 1977: Protection of Grain in Bonded Warehouses. Livestock and Grains Subcommittee.

December 10, (Pullman, Wash.), 1977: Farm Price Problems Affecting Wheat and Livestock Producers. Livestock and Grains Subcommittee.

January 18 (Fort Smith, Ark.), 1978: Stockyard Rate Regulation. Livestock and Grains Subcommittee.

January 25, 1978: USDA Budget for FY 1979. Full Committee.

January 31 1978: Santa Cruz, N.M., Watershed. Conservation and Credit Subcommittee.

January 31, 1978: Nutrition Education. Domestic Marketing, Consumer Relations and Nutrition Subcommittee.

February 1, 6, 7, 8, 9, 14, 15, 16, 1978: Current Agricultural Situation. Full Committee.

February 22, 1978: Peanuts, Loan Rate and Sales Policy, 1978. Oilseeds and Rice Subcommittee.

February 23, 1978: Research. Appraisal of Title XIV, Agriculture Act of 1977. Department Investigations, Oversight and Research Subcommittee.

February 24 (Honolulu, Hawaii), 25 (Hilo, Hawaii), 27 (Wailuku, Hawaii), 1978: Small Farm Development in Hawaii. Family Farms, Rural Development and Special Studies Subcommittee.

March 13, 1978: Shortage of Railroad Cars in Grains Shipment. Family Farms, Rural Development and Special Studies Subcommittee.

March 13, 14, 1978: Review of Operations of Agricultural Research Service. Department Investigations, Oversight and Research Subcommittee.

March 13, 14, 1978: Federal Research Programs for Processing, Distribution and Marketing; Review. Department Investigations, Oversight and Research Subcommittee.

March 13, (Oregon, Ill.), 1978: Obstacles to Strengthening Family Farms. Family Farms, Rural Development and Special Studies Subcommittee.

March 16, 1978: Forest Salvage Sales and Small Business Administration Set-Aside Sales. Forests Subcommittee.

April 6, 20, 1978: Dairy Products; Explore Current and Prospective Supply and Demand. Dairy and Poultry Subcommittee.

April 12, 1978: Federal Grain Inspection Service; Operations. Department Investigations, Oversight and Research Subcommittee.

July 11, 1978: Food Safety and Quality Service Activities. Livestock and Grains Subcommittee.

July 21 (Valdosta, Ga.), Aug. 4 (Smithfield, N.C.), 1978: Importance of Tobacco to National Economy. Tobacco Subcommittee.

July 25, 1978: Food Prices. Domestic Marketing, Consumer Relations, and Nutrition Subcommitee.

September 7, 1978: Effect of Smoking on Non-Smokers. Tobacco Subcommittee.

November 9 (Elizabethtown, N.C.), November 14 (Durant, Okla.), November 15 (Tifton, Ga.), 1978: Review of Operations of the 1978 Peanut Program. Oilseeds and Rice Subcommitee.

E. WATERSHED PROJECTS

One of the duties of the Committee is to review proposed watershed projects under the Watershed Protection and Flood Prevention

Act (P.L. 566, 83rd Congress). The Act provides that no appropriations shall be made for any plan involving an estimated Federal contribution to construction costs in excess of $250,000 ($1,000,000 effective September 29, 1977) or which includes any structure which provides more than 2,500 acre-feet of total capacity unless such plan has been approved by Resolutions adopted by the appropriate Committees of the Senate and House of Representatives. In the case of a plan involving no single structure providing more than 4,000 acre-feet of total capacity the appropriate Committees are the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry in the Senate. Pursuant to this Act, the Committee reviewed and approved proposed individual watershed projects as follows:

DEPOSIT CREEK, NEW YORK

September 18, 1978: Referred by Executive Communication 4988.

September 19, 1978: Referred to Conservation and Credit Subcommittee.

October 12, 1978: Open hearings, Serial RRR, and open business meeting. Approved by voice vote for full Committee consideration.

October 13, 1978: Open business meeting, full Committee. Approved by voice vote.

WET WALNUT CREEK, NO. 1, KANSAS

September 18, 1978: Referred by Executive Communication 4988.

September 19, 1978: Referred to Conservation and Credit Subcommittee.

October 12, 1978: Open hearing, Serial RRR, and open business meeting. Approved by voice vote for full Committee consideration.

October 13, 1978: Open business meeting, full committee. Approved by voice vote.

F. Committee Prints and Budget Submissions

During the 95th Congress, the Committee issued the following Committe prints and budget submissions.

(1) COMMITTEE PRINTS

Briefing Session for New Members and Staffs. Review of programs within the jurisdiction of the Department of Agriculture. January 1977.

The Role of the Federal Government in Nutrition Education. A study prepared by Congressional Research Service, Library of Congress, for the Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. March 1977.

Report of the Committee on Agriculture to the Committee on the Budget, pursuant to the Congressional Budget and Impoundment Control Act. March 15, 1977.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. March 31, 1977.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. June 30, 1977.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. September 30, 1977.

Implementation of the Forest and Rangeland Renewable Resources Planning Act of 1974. A Study by the Subcommittee on Forests. November 1977.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. December 31, 1977.

Evaluations of Proposals Guaranteeing Full Parity for Farmers in the Marketplace. A study prepared by Congressional Research Service, Library of Congress, for the Committee on Agriculture. March 1978.

Report of the Committee on Agriculture to the Committee on the Budget, pursuant to the Congressional Budget and Impoundment Control Act. March 24, 1978.

Explanatory Material to accompany H.R. 10950, The Better Jobs and Income Act. Welfare Reform Subcommittee of the Committees on Agriculture, Education and Labor, and Ways and Means. March 24, 1978.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. March 31, 1978.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. June 29, 1978.

Minutes of the Business Meetings and Hearings of the Committee on Agriculture. November 15, 1978.

Reports on Rural America. Prepared by Congressional Research Service, Library of Congress, for the Subcommittee on Family Farms, Rural Development, and Special Studies. December 1978.

(2) BUDGET SUBMISSIONS

Report of the Committee on Agriculture to the Committee on the Budget, pursuant to the Congressional Budget and Impoundment Control Act. Committee Print. March 15, 1977.

Allocation of Budget Totals for Fiscal Year 1978 by the Committee on Agriculture, June 23, 1977. H. Doc. 95–457.

Allocation of Budget Totals for Fiscal Year 1978 by the Committee on Agriculture, October 12, 1977. H. Rept. 95–694.

Report of the Committee on Agriculture to the Committee on the Budget, pursuant to the Congressional Budget and Impoundment Control Act. Committee Print. March 24, 1978.

Allocation of Budget Totals for Fiscal Year 1979 by the Committee on Agriculture, October 13, 1978. H. Rept. 95–1791.

G. PRINTED HEARINGS

AG-Land Trust Proposal. Subcommittee on Family Farms, Rural Development, and Special Studies. Feb. 18, 24, 25, 1977. Serial A.

Agricultural Land Policy Act; National. H.R. 5882. Family Farms, Rural Development, and Special Studies. June 15, 16, 1977. Serial L.

Agricultural Research and Research Education. H.R. 4394, H.R. 4863. Subcommittee on Department Investigations, Oversight, and Research. Mar. 21, 22, 1977. Serial B.

Agricultural Trade Act. H.R. 10520, H.R. 10584, 11442. Subcommittee on Department Investigations, Oversight, and Research. Feb. 28; Mar. 1; May 31, 1978. Serial VV.

Agricultural Transportation Study. H.R. 12917. Subcommittee on Family Farms, Rural Development, and Special Studies. July 19, 1978. Serial PPP.

Agricultural Water Quality Act. H.R. 8150. Subcommittee on Conservation and Credit. Sept. 16, 1977. Serial EE.

Agricultural Situation; Current. (H.R. 6782.) Full Committee. Feb. 1, 6, 7, 8, 9, 14, 15, 16, 1978. Serial TT.

Antibodies in Animal Health Maintenance. Subcommittee on Dairy and Poultry. Sept. 27, 1978. Serial SSS.

Batavia Turf Farms, Inc., Relief. H.R. 12556. Subcommittee on Department Investigations, Oversight, and Research. July 18, 1978. Serial XX.

Brucellosis Outbreak in New York and Vermont. Subcommittee on Department Investigations, Oversight, and Research. Sept. 30 (Watertown, N.Y.); Oct. 1 (Burlington, Vt.), 1977. Serial CC.

Coffee Prices and the Federal Response. Joint hearings. Subcommittee on Family Farms, Rural Development, and Special Studies, and Government Operations Subcommittee on Commerce, Consumer, and Monetary Affairs. Feb. 22, 23, 1977. (No serial number.)

Chemical and Related Drug Products and Federal Regulatory Processes; Impact of (on dairy, poultry, and honey industries). Subcommittee on Dairy and Poultry. May 23, 24, 25, 1977. Serial J.

Commission on Domestic and International Hunger and Malnutrition. H. Res. 784. Full Committee. Oct. 20, 1977. Serial LL.

Commodity Exchange Act Extension. H.R. 10285. Subcommittee on Conservation and Credit. Feb. 21, 22, 23; Apr. 11, 1978. Serial QQ.

Cotton, Upland; Update Allotment System. H.R. 7855. Subcommittee on Cotton. June 28, 1977. Serial R.

Credit Provisions for Farm and Rural Development Programs; Amend. H.R. 6407, H.R. 8315. Subcommittee on Conservation and Credit. Oct. 26, 27, 1977. Serial GG.

Critical Lands Resource Conservation Act. H.R. 2729. Subcommittee on Conservation and Credit. Mar. 14, 1977. Serial G.

Dairy Herd Reduction Act. H.R. 10768. Subcommittee on Dairy and Poultry. Apr. 6, 20, 1978. Serial WW.

Drought Situation. H.R. 4295. Subcommittee on Conservation and Credit. Mar. 12 (Monterey, Calif.), 15, 16, 1977. Serial E.

Energy Needs on Family Farms. Subcommittee on Family Farms, Rural Development, and Special Studies. Mar. 17, 18, 19, 24, 1977. Serial P.

Export of U.S. Agricultural Commodities. Subcommittees on Livestock and Grains and Oilseeds and Rice. Oct. 12, 1977. Serial AA.

Family Farms; Problems Facing. Subcommittee on Family Farms, Rural Development, and Special Studies. Mar. 13 (Oregon, Ill.), 1978.—Serial EEE.

Family Farm System; Obstacles to Strengthening. Subcommittee on Family Farms, Rural Development, and Special Studies. Sept. 30 (Putney, Vt.); Oct. 15 (Mason City, Iowa, and Marshall, Minn.), 28 (Sacramento, Calif.), 29 (Salinas, Calif.), 1977. Serial BB.

Farm (Small) Development in Hawaii. Subcommittee on Family Farms, Rural Development, and Special Studies. Feb. 24 (Honolulu), 25 (Hilo), 27 (Maui), 1978. Serial FFF.

Farm Price Problems Affecting Wheat and Livestock Producers. Livestock and Grains Subcommittee. Dec. 10 (Pullman, Wash.), 1977. Serial JJ.

Farmer-to-Consumer Direct Marketing Act; Amend. H.R. 12101. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. Apr. 20, 1978. Serial DDD.

Federal Crop Insurance Act Amendment (Increase Capital Stock). H.R. 4194, 9704. Subcommittee on Conservation and Credit. Mar. 23; Oct. 25, 1977. Serial SS.

(Federal Crop Insurance) Farm Production Protection Act of 1978. H.R. 12636. Subcommittee on Conservation and Credit. July 27, 1978. Serial BBB.

Federal Crop Insurance Program. H.R. 7111, et al. Subcommittee on Conservation and Credit. Aug. 15 (Norwalk, Iowa); Sept. 22, 23; Oct. 18, 20, 1977. Serial NN.

Federal Grain Inspection Service Operations. Subcommittee on Department Investigations, Oversight, and Research. Apr. 12, 1978. Serial WWW.

FIFRA; Extending and Amending. (H.R. 7073.) Subcommittee on Department Investigations, Oversight, and Research. Apr. 26, 27; June 8, 9, 1977. Serial K. (See also Serial H, Pt. 3).

Filberts; Marketing Quality of. H.R. 2381. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. May 11, 1977. Serial T.

Food Prices; Role of in Inflation. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. July 25, 1978. Serial NNN.

Food Safety and Quality Service Operations; Review. Subcommittee and Livestock and Grains. July 11, 1978. Serial JJJ.

Food Stamp Program. (H.R. 4844.) Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. Feb. 28 (New York City); Mar. 21, 22, 23, 24, 25; Full Committee. Apr. 5, 1977. (Secretary of Agriculture Bergland.) Serial D.

(Food Stamp Program) Workfare Pilot Projects. H.R. 13149. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. June 21, 1978. Serial RRR.

Foreign Agricultural Service Operations. Subcommittee on Department Investigations, Oversight, and Research. Mar. 11, 1977. Serial V.

Foreign Investment in Farmland: Impact of. H.R. 13128. Subcommittee on Family Farms, Rural Development, and Special Studies. June 20; July 19, 28 (Ames, Iowa), 1978. Serial GGG.

(Forests) Cooperative Assistance, Research, and Extension Legislation. H.R. 8020, 8021, 8022, 8822, 10618. Subcommittee on Forests. Feb. 2, 1978. Serial PP.

(Forests) Resources Planning Act Implementation. Subcommittee on Forests. July 26 (Washington, D.C.); Aug. 16 (Portland, Ore.), 17 (Coeur d'Alene, Idaho); Sept. 16 (Hot Springs, Ark.), 24 (Warren, Pa.); Oct. 18 (Washington, D.C.), 1977. Serial II.

Forest (National)Salvage Program and SBA Set-aside sales. Subcommittee on Forests. Mar. 16. 1978. Serial LLL.

Frozen Dessert Proposals; FDA. Subcommittee on Dairy and Poultry, and Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. Aug. 2, 1977. Serial S.

General Farm Bill. (H.R. 7171) Full Committee:

Feb. 17, 22, 24, 25, 28, 1977 (Members of Congress, Farm Organizations, and Dairy Indemnity Programs). Serial H, Pt. 1.

Mar. 1, 2, 3, 4, 1977 (Wheat, Feed Grains, Soybeans, P.L. 480, General Public Witnesses, and Conservation). Serial H, Pt. 2.

Mar. 7, 8, 9, 1977 (Federal Insecticide, Fungicide, and Rodenticide Act). Serial H, Pt. 3.

Mar. 12, 24, 1977 (General public witnesses and Secretary of Agriculture Bergland). Serial H, Pt. 4.

Golden Nematode Act Amendment. H.R. 7956. Subcommittee on Department Investigations, Oversight, and Research. Nov. 29, 1977. Serial XX.

Grain in Bonded Warehouses; Protection of. Subcommittee on Livestock and Grains. Nov. 21 (Wichita Falls, Tex.), 1977. Serial HH.

Grazing and Hay Program for Wheat Acreage. H.R. 3367. Subcommittee on Livestock and Grains. Feb. 22, 1977. Serial N.

Hayden Bee Research Center. H.R. 7432. Subcommittee on Department Investigations, Oversight, and Research. July 18, 1978. Serial RRR.

Hruska Meat Animal Research Center. H.R. 6358. Subcommittee on Department Investigations, Oversight, and Research, July 18, 1978. Serial RRR.

Humane Methods of Slaughter Act. H.R. 1464. Subcommittee on Livestock and Grains. Apr. 25, 1978. Serial CCC.

International Emergency Wheat Reserve Act. H.R. 10287. Joint hearings, Committees on Agriculture, and International Relations. June 13, 21, 1978. (No serial number.)

Land and Water Resources Conservation Act of 1977. H.R. 75. Subcommittee on Conservation and Credit. Mar. 1, 1977. Serial U.

Meat Market Reporting Reform Act. H.R. 7393. Subcommittee on Livestock and Grains. Aug. 6 (Sioux City, Ia.); Oct. 4, 1977. Serial DD.

Milk and Dairy Products; Current and Prospective Supply and Demand. Subcommittee on Dairy and Poultry. Apr. 6, 20, 1978. Serial WW.

National Gardening Act of 1977. H.R. 3476. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. May 11, 1977. Serial I.

Native Latex Commercialization Act of 1978. H.R. 12559. Joint hearings, Subcommittee on Department Investigations, Oversight, and Research and Science and Technology Subcommittee on Science, Research and Technology. June 19, 1978. Serial KKK (Committee on Agriculture) and No. 82 (Committee on Science and Technology).

Nitrite Restrictions on Poultry. Subcommittee on Dairy and Poultry. Sept. 28, 1978. Serial TTT.

Nutrition Education. (H.R. 11761) Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. Sept. 27, 28; Oct. 6; Nov. 7 (Boston, Mass.), 1977. Serial Z, Pt. 1. Jan. 6, 31; Apr. 12, 18; June 17, 1978. Serial Z, Pt. 2.

Peanut Program of 1978. Subcommittee on Oilseeds and Rice. Nov. 9 (Elizabethtown, N.C.), 14 (Durant, Okla.), 15 (Tifton, Ga.), 1978. Serial VVV.

Peanuts, Loan Rate and Sales Policy, 1978. Subcommittee on Oilseeds and Rice. Feb. 22, 1978. Serial ZZ.

Perishable Agricultural Commodities Act; Amend. H.R. 4773, 4777. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. July 26, 1978. Serial MMM.

Poage Pecan Field Station. H.R. 11123. Subcommittee on Department Investigations, Oversight, and Research. July 18, 1978. Serial RRR.

Production Credit Association Loans for Fishing Boats. H.R. 11079. Subcommittee on Conservation and Credit. July 19, 1978. Serial RRR.

Rabbit Meat; Mandatory Inspection of. H.R. 2521. Subcommittee on Livestock and Grains. Feb. 22, 1977. Serial O.

Railroad Cars; Shortage of in Grains Shipment, Subcommittee on Family Farms, Rural Development, and Special Studies. Mar. 13, 1978. Serial AAA.

Raisins, Marketing Promotion of. H.R. 6266. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. May 11, 1977. Serial T.

Reforestation Efforts in Western Oregon. Subcommittee on Forests. July 8 (Roseburg, Oreg.), 1977. Serial W.

Research. Appraisal of Title XIV, Food and Agriculture Act of 1977. Subcommittee on Department Investigations, Oversight, and Research. Feb. 23, 1978. Serial RR.

Research Services; Review of Operations of Agricultural. Subcommittee on Department Investigations, Oversight, and Research. Mar. 13, 14, 1978. Serial YY.

Rural Community Development Act. H.R. 9983. Subcommittee on Family Farms, Rural Development, and Special Studies. Mar. 21, 22; Apr. 19, 1978. Serial HHH.

Rural Development Budget Proposals. Joint hearings. Subcommittee on Conservation and Credit, Subcommittee on Family Farms, Rural Development, and Special Studies; Subcommittee on Antitrust, Consumers and Employment, House Committee on Small Business. Nov. 10, 11 (Lexington, Ky.), 1977. Serial UU.

Rural Development Policy Act. H.R. 10885. Subcommittee on Family Farms, Rural Development, and Special Studies. Mar. 21, 22; Apr. 19, 1978. Serial HHH.

Seeds and Plants for Home Gardens. H.R. 2776. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. May 12, 1977. Serial I.

Soil Conservation and Domestic Allotment Act Amendment. H.R. 7269. Subcommittee on Conservation and Credit. June 6, 1977. Serial FF.

Stockyard Rate Regulation. H.R. 9482. Subcommittee on Livestock and Grains. Jan. 18 (Ft. Smith, Ark.), Mar. 14, 1978. Serial OO.

Sugar Stabilization Act of 1978. H.R. 12486. Full Committee. Mar. 23, 24, 25, 31; June 1, 1978. Serial III.

Timber Sales Methods and Related Practices. H.R. 5863. Subcommittee on Forests. Feb. 7, 8, 9; Apr. 5, 1977. Serial C.

Tobacco; Economic Impact of Present Program. Subcommittee on Tobacco. July 21 (Valdosta, Ga.), Aug. 4 (Smithfield, N.C.), Sept. 15 (Marion, S.C.), 1978. Serial UUU.

Tobacco; Economic Value of Present Program. Subcommittee on Tobacco. Oct. 6, 1977. Serial Y.

(Tobacco) Effect of Smoking on Nonsmokers. Subcommittee on Tobacco. Sept. 7, 1978. Serial OOO.

Tobacco; Leasing of Flue-Cured Marketing Quotas. H.R. 3416. Subcommittee on Tobacco. Serial KK.

Tomatoes, Imported; Restrictions. H.R. 744. Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition. Oct. 4, 1977. Serial X.

Urban Trees Act of 1977. H.R. 2853, 3942. Subcommittee on Forests. June 21, 1977. Serial Q.

U.S. Grain Standards Act Amendments. H.R. 6136. Full Committee. Apr. 29, 1977. Serial F.

Watersheds: Santa Cruz, N. Mex.; Deposit Creek, N.Y. and Wet Walnut Creek Subwatershed No. 1, Kans. Subcommittee on Conservation and Credit. Jan. 31; Oct. 12, 1978. Serial RRR.

Welfare Reform Proposal by the Administration. (H.R. 9030) Joint hearings. Welfare Reform Subcommittee of the Committees on Agriculture, Education and Labor, and Ways and Means. Printed hearings available from Committee on Ways and Means.

- Pt. I. Sept. 19, 20, 21, 1977. Administration witnesses. Serial 95–47.
- Pt. II. Sept. 29, 30; Oct. 11, 12, 1977. Members of Congress and public witnesses. Serial 95–48.
- Pt. III. Oct. 14, 21; Nov. 1, 1977. Public witnesses. Serial 95–49.
- Pt. IV. Nov. 2, 3, 4, 1977. Public witnesses. Serial 95–50.
- Pt. V. Nov. 9, 10 (New York City), 1977. Public witnesses. Serial 95–51.
- Pt. VI. Nov. 9 (Salem, Ore.), 14 (Oakland, Calif.), 1977. Public witnesses. Serial 95–52.
- Pt. VII. Nov. 16 (Minneapolis, Minn.), 17 (West Memphis, Ark.), 1977. Public witnesses. Serial 95–53.
- Pt. VIII. Nov. 17, 18 (Los Angeles, Calif.), 1977. Public witnesses. Serial 95–54.
- Pt. IX. Nov. 22 (Miami, Fla., and Harrisburg, Pa.); 21, 22, 23 (Hawaiian Islands), 1977. Public witnesses. Serial 95–55.

Wheat and Wheat Foods Nutrition Education Act. H.R. 5481, 5155. Subcommittee on Livestock and Grains. Mar. 24, 1977. Serial M.

Wood Residue Utilization Act of 1978. H.R. 13324. Subcommittee on Forests. Aug. 8, 1978. Serial QQQ.

H. MEETINGS NOT PRINTED

This list contains those meetings, both open and closed, which are not listed elsewhere in the Calendar because they pertain to general subject matter or to legislation not referred to this Committee.

Full Committee. Informal briefing. Implementation of the U.S. Grain Standards Act of 1976. Jan. 5, 1977.

Full Committee. Open business meetings. Organizational meetings. Jan. 25, 27, 1977.

Conservation and Credit Subcommittee. Open business meeting. To discuss subcommittee agenda. Feb. 9, 1977.

Dairy and Poultry Subcommittee. Informal meeting. Subcommittee organization. Feb. 16, 1977.

Livestock and Grains Subcommittee. Informal meeting. Subcommittee organization. Feb. 16, 1977.

Domestic Marketing, Consumer Relations, and Nutrition Subcommittee. Informal meeting. Subcommittee organization. Feb. 17, 1977.

Conservation and Credit, and Family Farms, Rural Development, and Special Studies Subcommittees; Small Business Committee; and Congressional Rural Caucus. Open hearings. Rural Development Programs, Budget Recommendations and Capital Formation Job Creation and Employment. Mar. 3 (2), 4 (2), 1977.

Full Committee. Open business meetings. Recommendations to Budget Committee. Mar. 10, (2), 1977.

Full Committee. Open business meeting. Congressional Rural Caucus budget proposals. Mar. 22, 1977.

Full Committee. Open hearings. USDA Budget for FY 1979. Jan. 25 (2), 1978.

Full Committee. Open business meetings. Recommendations to Budget Committee. Mar. 14 (2), 15 (2), 16, 1978.

III. Appendix

A. EXECUTIVE AND GENERAL ACCOUNTING OFFICE COMMUNICATIONS

(Also includes reports from the Comptroller General; Executive Communications transmitting reports are also listed in Special Reports index)

Number	*Date referred*
2	Jan. 4, 1977
Letter from the Secretary of Agriculture, transmitting the annual report on the location of new Federal offices and other facilities in rural areas for fiscal year 1976 and the transition quarter ending September 30, 1976, pursuant to section 901(b) of the Agricultural Act of 1970, as amended by section 601 of the Rural Development Act of 1972.	
3	Jan. 4, 1977
Letter from the Chairman, Commodity Futures Trading Commission, transmitting notice that the Commission's annual report will be transmitted at a later date due to the change in the fiscal year, pursuant to section 105, Public Law 93-463.	
4	Jan. 4, 1977
Letter from the Chairman, Commodity Futures Trading Commission, transmitting a report concerning insuring owners of commodity futures accounts against loss, pursuant to section 417, Public Law 94-463.	
200	Jan. 4, 1977
Letter from the Assistant Secretary of Army (Civil Works), transmitting a report of the Chief of Engineers on the inspection of dams located in the United States, recommendations of the Assistant Secretary, and a draft of proposed legislation to establish a National Dam Safety Program, pursuant to section 5 of Public Law 92-367. (Referred jointly to Committees on Public Works and Transportation, Interior and Insular Affairs, and Agriculture.)	

Executive Communications

326 Jan. 4, 1977

Letter from the Comptroller General of the United States, transmitting a report describing how the Department of Agriculture and the Agency for International Development disposed of commodities remaining from terminated Indochina economic assistance programs. (Referred jointly to Committees on Government Operations, International Relations, and Agriculture.)

327 Jan. 4, 1977

Letter from the Comptroller General of the United States, transmitting a report on the need to reduce food loses caused by storage, spillage and spoilage to better held developing countries. (Referred jointly to Committees on Government Operations, International Relations, and Agriculture.)

346 Jan. 4, 1977

Letter from the Comptroller General of the United States, transmitting a report discussing alternatives to the present system of dairy import quotas. (Referred jointly to Committees on Government Operations, Ways and Means, and Agriculture.)

386 Jan. 11, 1976

Letter from the Deputy Assistant Secretary of Agriculture, transmitting the annual report on the Cooperative State Research Service for fiscal year 1976 and the program of assistance to the States to provide additional facilities for research at the State Agricultural Experiment Stations, pursuant to section 10 of Public Law 88–74.

394 Jan. 13, 1977

Letter from the Acting Secretary of Agriculture, transmitting the report on the activities of the Rural Electrification Administration for fiscal year 1976 and the transition period ending September 30, 1976, pursuant to 49 Stat. 1366.

402 Jan. 17, 1977

Letter from the Secretary of Agriculture, transmitting the seventh annual report on information and technical assistance delivered by the Department of Agriculture, covering fiscal year 1976, pursuant to section 901(d) of the Agricultural Act of 1970.

447 Jan. 20, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Agriculture Adjustment Act of 1938, as amended, to change the basis for determing marketing quotas and acreage allotments for peanuts.

448 Jan. 20, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Soil Conservation and Domestic Allotment Act to provide an updated national direction to the conditions under which the Federal Government will provide financial assistance to agricultural producers for needed soil, water, woodland, and wildlife conservation on agricultural lands.

449 Jan. 20, 1977

Letter from the Assistant Secretary of Agriculture, transmitting the ninth annual report on operations under the Food Stamp Act of 1964, pursuant to section 16(a) of the Act (82 Stat. 958).

500 Jan. 20, 1977

Letter from Director, Office of Management and Budget, Executive Office of the President, transmititng a draft of proposed legislation to provide greater efficiency and equity in the operation and administration of Federal and federally aided income assistance programs. (Referred jointly to Commitees on Ways and Means, Education and Labor Agriculture, and Banking, Finance and Urban Affairs.)

506 -- Jan. 24, 1977

Letter from President of the United States, transmitting a draft of proposed legislation to transfer certain functions from the Secretary of the Interior to the Secretary of Agriculture (H. Doc. 95–60). (Referred jointly to Committees on Agriculture and Merchant Marine and Fisheries.)

513 -- Jan. 24, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal section 3(c)4 of the Act of March 2, 1887, as amended (7 U.S.C. 361c(c)4).

514 -- Jan. 24, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to reform the Food Stamp Act of 1964 by improving the provisions relating to eligibility, simplifying administration, and tightening accountability, and for other purposes.

515 -- Jan. 24, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Department of Agriculture to award research grant funds to Federal agencies.

516 -- Jan. 24, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act, and for other purposes. (See H.R. 4194.)

556 -- Jan. 24, 1977

Leter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farm and Rural Development Act. (Referred jointly to Committees on Agriculture and Banking, Finance and Urban Affairs.)

560 -- Jan. 26, 1977

Letter from the Secretary of Agriculture, transmitting the fourth annual report on rural development progress, pursuant to section 603(b) of the Rural Development Act of 1972.

669 -- Feb. 8, 1977

Letter from the Deputy Assistant Secretary of Agriculture, transmitting the annual report of the Federal Crop Insurance Corporation for the 1976 crop, pursuant to 61 Stat. 719.

687 -- Feb. 8, 1977

Letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's financial disclosure system (FPCD–77–17, January 1, 1977). (Referred to Committees on Government Operations, Judiciary, Agriculture, and Post Office and Civil Service.)

749 -- Feb. 16, 1977

Letter from the Comptroller General of the United States, transmitting a report on the Conservation Operations Program and the Great Plains Conservation Program administered by the Soil Conservation Service, and the Agricultural Conservation Program administered by the Agricultural Stabilization and Conservation Service (CED–77–30, February 14, 1977). (Referred jointly to Committees on Government Operations, and Agriculture.

790 -- Feb. 21, 1977

Letter from the Secretary of Agriculture, transmitting the annual report for fiscal year 1975 on the Food for Peace Program, pursuant to section 408(a) of the Agricultural Trade Development and Assistance Act of 1954. (Referred jointly to Committees on International Relations and Agriculture.)

801 Feb. 23, 1977

Letter from the Secretary of Agriculture, transmitting the annual report on the Renewable Resources Program, pursuant to section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended.

802 Feb. 23, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act and for other purposes. (H.R. 4194.)

831 Feb. 28, 1977

Letter from the Assistant Secretary of Agriculture for Administration, transmitting corrections to the sixth annual report on the location of new Federal offices and other facilities, pursuant to section 901(b) of the Agricultural Act of 1970, as amended.

1126 Mar. 30, 1977

Letter from the Secretary of Agriculture, transmitting notice of a delay in submission of the report on Dutch elm disease due by March 1, 1977 under section 20 of the National Forest Management Act of 1976.

1152 Apr. 4, 1977

Letter from the Secretary of Agriculture, transmitting the annual report for calendar year 1976 on animal welfare enforcement, pursuant to section 25 of the Animal Welfare Act of 1970.

1209 Apr. 18, 1977

Letter from the Secretary of Agriculture, transmitting a report on Dutch elm disease, pursuant to section 20 of Public Law 94-582.

1210 Apr. 18, 1977

Letter from Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years. (See H.R. 7073.)

1272 Apr. 18, 1977

Letter from the Secretary of Agriculture, transmitting a report that no acquisition of lands or interest in lands have taken place within the Boundary Waters Canoe Area, Superior National Forest, Minn., pursuant to section 6(b) of the act of June 22, 1948, as amended (90 Stat. 1123). (Referred jointly to Committees on Agriculture and Interior and Insular Affairs.)

1764 May 2, 1977

Letter from the Comptroller General of the United States, transmitting a report on the issues surrounding the management of agricultural exports (ID-76-87, May 2, 1977.) (Referred jointly to Committees on Government Operations, Agriculture, and International Relations.)

1398 May 13, 1977

Letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Rural Telephone Bank, Department of Agriculture, for the 15-month period ended September 30, 1976, pursuant to section 106 of the Government Corporation Control Act, as amended (FOD-77-02, May 12, 1977) (H. Doc. 95-155). (Referred jointly to Committees on Government Operations and Agriculture.)

1493 May 17, 1977

Letter from Governor, Farm Credit Administration, transmitting the 43rd Annual Report of the Farm Credit Administration and the cooperative Farm Credit System, covering fiscal year 1976, pursuant to section 5.18(3) of the Farm Credit Act of 1971.

1507 -- May 19, 1977

Letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to provide for two additional Assistant Secretaries of Agriculture and for other purposes. (Referred jointly to Committees on Agriculture and Post Office and Civil Service.)

1553 -- May 25, 1977

Letter from the Comptroller General of the United States, transmitting a report on deficiency payments on unplanted crops (CED-77-77, May 24, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

1572 -- June 3, 1977

Letter from Administrator, Environmental Protection Agency, transmitting a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (See H.R. 7073.)

1610 -- June 6, 1977

Letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to amend title III of the Bankhead-Jones Farm Tenant Act.

1627 -- June 8, 1977

Letter from the Secretary of Agriculture, transmitting a global assessment of world food production, pursuant to section 408(c) of the Agricultural Trade Development and Assistance Act, as amended. (Referred jointly to Committees on Agriculture and International Affairs.)

1659 -- June 9, 1977

Letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1964, as amended. (H.R. 7859.)

1664 -- June 16, 1977

Letter from the Comptroller General of the United States transmitting a report on the food stamp vender accountability system (CED 77-76, June 15, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

1715 -- June 20, 1977

Letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 302 of the Consolidated Farm and Rural Development Act. (H.R. 8315.)

1725 -- June 24, 1977

Letter from the Comptroller General of the United States, transmitting a report on ground water management, conservation, and use (CED-77-69, June 21, 1977). (Referred jointly to Committees on Government Operations, Agriculture, and Interior and Insular Affairs.)

1794 -- June 28, 1977

Letter from the Comptroller General of the United States, transmitting a report on the need for visitor protection services at Federal recreation areas (GGD-77-28, June 21, 1977.) (Referred jointly to Committees on Government Operations, Agriculture, Interior and Insular Affairs, the Judiciary, and Public Works and Transportation.)

1878 -- July 11, 1977

Letter from the Comptroller General of the United States, transmitting a report concerning FDA's efforts to regulate imported products before they are sold to the American public (HRD-77-72, July 5, 1977). (Referred jointly to Committees on Government Operations, Interstate and Foreign Commerce, and Agriculture.)

1974 -- July 19, 1977

Letter from the Comptroller General of the United States, transmitting a report on the need for better techniques to identify and recover over issuances of food stamp benefits and punishment for cases of fraud (CED-77-112, July 18, 1977). (Referred jointly to Committees on Government Operation and Agriculture.)

1990 -- July 22, 1977

Letter from Acting Administrator, Environmental Protection Agency, a draft of proposed legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. (See H.R. 7073.)

1997 -- July 25, 1977

Letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to provide for a study of certain segments of the Oklawaha River for potential addition to the National Wild and Scenic Rivers System; to adjust the boundary of the Ocala National Forest, Fla., for other purposes. (Referred jointly to Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)

2058 -- Aug. 2, 1977

Letter from the Secretary of Agriculture, transmitting a report on studies to determine the reasons for extensive loss of livestock sustained while being transported in interstate commerce for commercial purposes, pursuant to section 809(b) of the Agricultural Act of 1970, as amended (87 Stat. 237).

2072 -- Aug. 2, 1977

Letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's practice of providing free cotton classing and tobacco grading services (DEC–77–105, August 2, 1977). (Referred jointly to Committees on Government Operations, and Agriculture.)

2107 -- Sept. 7, 1977

Letter from Deputy Secretary, Department of Agriculture, transmitting a draft of proposed legislation to authorize civil penalties for violations of various laws for preventing the introduction and dissemination of livestock and poultry diseases, plant diseases, and plant pests.

2241 -- Sept. 7, 1977

Letter from the Comptroller General of the United States, transmitting supplemental report on the need for better techniques to identify and recover over issuances of food stamp benefits and punishment for cases of fraud (CED–77–112, July 18, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

2254 -- Sept. 7, 1977

Letter from the Comptroller General of the United States, transmitting a report on the opportunities to better administer the Federal programs providing the funds for improving irrigation delivery systems and to promote more efficient use of our available water resources (CED–77–117, September 1, 1977.) (Referred jointly to Committees on Government Operations, Agriculture, and Interior and Insular Affairs.)

2373 -- Sept. 15, 1977

Letter from Secretary of Health, Education, and Welfare, and Secretary of Labor, transmitting a draft of proposed legislation to replace the existing Federal welfare programs with a single, coordinated program to seek to assure jobs, training, and income supplementation for low income citizens able to work and support for low income citizens in need who are not available for work by reason of disability, age, or family circumstances. (Referred jointly to Committees on Agriculture, Education and Labor, and Ways and Means.) (H.R. 9030.)

2403 -- Sept. 19, 1977

Letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's past and current activities concerning food loss in the United States (CED–77–118, September 16, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

2409 Sept. 20, 1977

Letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to repeal certain requirements relating to notice of animal and plant quarantines, and for other purposes. (H.R. 13706.)

2475 Sept. 29, 1977

Letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Emergency Livestock Credit Act.

2520 Oct. 5, 1977

Letter from the Comptroller General of the United States, transmitting a report on the Farmers Home Administration's business and industrial loan program (CED-77-126, Sept. 30, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

2556 Oct. 17, 1977

Letter from the Deputy Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to relinquish exclusive legislative jurisdiction over lands or interest under his control.

2578 Oct. 20, 1977

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act and for other purposes. (H.R. 9704.)

2607 Oct. 27, 1977

Letter from the Deputy Secretary of Agriculture transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to regulate the exportation and transportation of animal semen.

2632 Nov. 1, 1977

Letter from the Acting Comptroller General of the United States, transmitting a report on coffee production and marketing systems (ID-77-54, October 28, 1977.) Referred jointly to Committees on Government Operations, Agriculture, and International Relations.)

2687 Nov. 15, 1977

Letter from the Secretary of Agriculture, transmitting the initial revision to the regulations governing operations under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended, pursuant to section 408(d) of the Act.

2805 Dec. 8, 1977

Letter frof the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of July 2, 1962, to authorize intrastate quarantines under extraordinary emergency conditions, to authorize U.S. Marshals to serve warrants under the act, and for other purposes.

2825 Dec. 12, 1977

Letter from the Comptroller General of the United States, transmitting a report on the Department of Agriculture's inspection of meat and poultry processing plants (CED-78-11, December 9, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

2849 Dec. 15, 1977

Letter from the Secretary of Agriculture, transmitting the annual report on the Food for Peace program for the transition quarter and fiscal year 1976, pursuant to section 408(a) of the Agricultural Trade Development and Assistance Act of 1954. (Referred jointly to Committees on Agriculture and International Relations.)

2851 Dec. 15, 1977

Letter from the Comptroller General of the United States, transmitting a report on the effectiveness of the Federal Crop Insurance program (FOD-77-7), December 13, 1977). (Referred jointly to Committees on Government Operations and Agriculture.)

2859 -- Jan. 19, 1978

Letter from the Secretary of Agriculture, transmitting the annual report for fiscal year 1977 on the location of new Federal offices and other facilities in rural areas, pursuant to section 901(b) of the Agricultural Act of 1970, as amended.

3015 -- Jan. 19, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to facilitate the work of the U.S. Department of Agriculture; to protect the confidentiality of information furnished to the Department by individuals, establishments and enterprises and for other purposes. (Referred jointly to Committees on Agriculture and Government Operations.)

3016 -- Jan. 19, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to repeal the Tobacco Seed and Plant Exportation Act of 1940. (Referred jointly to Committees on Agriculture and International Relations.) (H.R. 11187.)

3019 -- Jan. 19, 1978

Letter from the Comptroller General of the United States, transmitting a report on special pesticide registration by the Environmental Protection Agency and how it should be improved (CED–78–9, January 9, 1978). (Referred jointly to Committees on Government Operations, Agriculture, and Interstate and Foreign Commerce.)

3075 -- Jan. 24, 1978

Letter from the Comptroller General of the United States, transmitting a report on establishment of timber harvest levels for national forests by the Forest Service, Department of Agriculture (CED–78–15, January 24, 1978). (Referred jointly to Committees on Government Operations and Agriculture.)

3111 -- Jan. 31, 1978

Letter from Secretary, Department of Agriculture, transmitting draft of proposed legislation to repeal statutes relating to publishing of cotton price predictions on Government reports and the issuance of cotton crop reports.

3232 -- Feb. 14, 1978

Letter from the Acting Secretary of Agriculture, transmitting the 10th annual report on operations under the Food Stamp Act of 1964, pursuant to section 16(a) of the act (82 Stat. 958).

3303 -- Feb. 21, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the Department of Agriculture or any of its programs. (H.R. 11340.)

3317 -- Feb. 22, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Tobacco Inspection Act to consolidate, and provide additional authority for the Secretary of Agriculture to establish methods for efficient and equitable marketing of tobacco.

3353 -- Feb. 24, 1978

Letter from Vice Chairman, Commodity Futures Trading Commission, transmitting the Commission's comments on H.R. 10285 and H.R. 10901.

3379 -- Feb. 28, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Commodity Credit Corporation Charter Act to increase the borrowing authority. (See H.R. 6782.)

3404 Feb. 28, 1978

Letter from the Secretary of Agriculture, transmitting a report on the effects of changes in the ozone in the stratosphere upon animals, crops, and other plant life, pursuant to section 154(d) of Public Law 95-95. (Referred jointly to Committees on Interstate and Foreign Commerce and Agriculture.)

3405 Mar. 1, 1978

Letter from the Assistant Secretary of Agriculture, transmitting the 44th annual report of the Farm Credit Administration and the cooperative Farm Credit System, including a report on the activities of the Federal Farm Credit Board, covering the year ended June 30, 1977, pursuant to section 5.18(3) of the Farm Credit Act of 1971, as amended.

3427 Mar. 1, 1978

Letter from the Assistant Secretary of Agriculture, transmitting the 1977 annual report of the National Advisory Council on Maternal, Infant and Fetal Nutrition, pursuant to section 17(h)(6) of the Child Nutrition Act of 1966, as amended (89 Stat. 518). (Referred jointly to Committees on Agriculture and Education and Labor.)

3428 Mar. 1, 1978

Letter from the Secretary of Agriculture, transmitting the annual report of the Forest Service on the renewable resource planning program, pursuant to sections 3(e), 6(c), 8(c), and 8(d) of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended. (Referred jointly to Committees on Agriculture, and Interior and Insular Affairs.)

3612 Mar. 20, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the establishment of an international emergency wheat reserve, and for other purposes. (Referred jointly to Committees on Agriculture and International Relations.) (H.R. 12087).

3652 Apr. 3, 1978

Letter from Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years. (See H.R. 7073.)

3730 Apr. 3, 1978

Letter from the Deputy Assistant Secretary of Agriculture, transmitting the annual report on land acquisition in the Boundary Waters Canoe Area, Superior National Forest, Minn., pursuant to section 6(b) of the act of June 22, 1948, as amended (90 Stat. 1123). (Referred jointly to Committees on Agriculture and Interior and Insular Affairs.)

3731 Apr. 3, 1978

Letter from the Comptroller General of the United States, transmitting a report on major human nutrition research gaps and a summary of Federal nutrition research activities (PSAD-77-156, March 28, 1978). (Referred jointly to Committees on Government Operations, Agriculture, Interstate and Foreign Commerce, and Science and Technology.)

3732 Apr. 3, 1978

Letter from the Comptroller General of the United States, transmitting a report with recommendations for the coordination and evaluation procedures in disseminating nutrition information by the Departments of Agriculture, and Health, Education and Welfare (CED-78-75, March 22, 1978). (Referred jointly to Committees on Government Operations, Agriculture, and Interstate and Foreign Commerce.)

3780 -- Apr. 5, 1978

Letter from the Comptroller General of the United States, transmitting a report on opportunities for conserving municipal and industrial water supplies (CED-78-66, April 3, 1978). (Referred jointly to Committees on Government Operations, Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)

3823 -- Apr. 10, 1978

Letter from the Comptroller General of the United States, transmitting a report on crop forecasting by satellite (PSAD-78-52, on April 7, 1978). (Referred jointly to Committees on Government Operations, Agriculture, and Science and Technology.)

3885 -- Apr. 17, 1978

Letter from the Assistant Secretary of Agriculture for Food and Consumer Services, transmitting a draft of proposed legislation to amend, revise and consolidate the provisions of the child nutrition programs by the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended, and for other purposes. (Referred jointly to Committees on Agriculture and Education and Labor.)

3894 -- Apr. 18, 1978

Letter from the Secretary of Agriculture, transmitting the fiscal year 1978 global assessment report of food production and needs, pursuant to section 408(b) of Public Law 83-480, as amended (91 Stat. 552). (Referred jointly to Committees on Agriculture and International Relations.)

3896 -- Apr. 19, 1978

Letter from Manager, Federal Crop Insurance Corporation, Department of Agriculture, transmitting the Corporation's annual report for the year 1977, pursuant to 61 Stat. 719.

3921 -- Apr. 24, 1978

Letter from the Secretary of Agriculture, transmitting the report on the activities of the Rural Electrification Administration for fiscal year 1977, pursuant to 49 Stat. 1366.

3965 -- Apr. 25, 1978

Letter from the Comptroller General of the United States, transmitting a report on work requirements of the food stamp program (CED-78-60) April 24, 1978. (Referred jointly to Committees on Government Operations and Agriculture.)

4000 -- May 1, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide a voluntary self-help program which is designed to assist producers of agricultural products to protect themselves against loss of production when natural or uncontrollable conditions adversely affect production and which will assure consumers that producers will be able to continue to produce food and fiber. (H.R. 12636.)

4034 -- May 1, 1978

Letter from the Comptroller General of the United States, transmitting a report on the redesigning of food shipping containers for increasing efficiency in food distribution and reducing costs (CED-78-81, April 28, 1978). (Referred jointly to Committees on Government Operations and Agriculture.)

4049 -- May 3, 1978

Letter from the Assistant Secretary of Agriculture for Conservation, Research, and Education, transmitting a report on the Nation's agricultural research, extension, and teaching activities, pursuant to section 1410 of Public Law 95-113.

4167 May 15, 1978

Letter from the Comptroller General of the United States, transmitting a report on the need to concentrate intensive timber management on high productive lands (CED-78-105, May 11, 1978). (Referred jointly to Committees on Government Operations, Agriculture, and Interior and Insular Affairs.)

4201 May 18, 1978

Letter from the Acting Secretary Agriculture, transmitting a report on animal welfare enforcement covering the last 9 months of fiscal year 1977, pursuant to section 25 of the Animal Welfare Act (84 Stat. 1565).

4213 May 18, 1978

Letter from the Comptroller General of the United States, transmitting a report on regulation of the commodity futures markets (CED-78-110, May 17, 1978). (Referred jointly to Committees on Government Operations and Agriculture.)

4222 May 22, 1978

Letter from the Secretary of Agriculture and the Secretary of Health, Education, and Welfare, transmitting a proposal for a comprehensive nutritional status monitoring system, pursuant to section 1438 of Public Law 95-113.

4272 May 31, 1978

Letter from the Assistant Secretary of Agriculture for Conservation, Research, and Education, transmitting the printed annual report of the Forest Service for fiscal year 1977.

4303 May 31, 1978

Letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to carry out the obligations of the United States under the International Sugar Agreement 1977; to protect the welfare of consumers of sugar and of those engaged in the domestic sugar industry; and for other purposes. (Referred jointly to Committees on Agriculture and Ways and Means.) (H.R. 13281.)

4342 June 8, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the workfare provisions of the Food Stamp Act of 1977 to extend the operation of the workfare pilot projects. (H.R. 13149.)

4343 June 8, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Packers and Stockyards Act, 1921, to authorize value based tariffs. (See H.R. 9482.)

4368 June 13, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Plant Quarantine Act of August 20, 1912, as amended, to eliminate certain unnecessary regulatory requirements.

4401 June 19, 1978

Letter from the Comptroller General of the United States, transmitting a review of Federal domestic food assistance programs (CED-78-113, June 13, 1978). (Referred jointly to Committees on Government Operations, Agriculture, Education and Labor, and Ways and Means.)

4476 July 10, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend section 1445(b) of the Food and Agriculture Act of 1977 to modify the formula for the distribution of funds authorized thereunder. (H.R. 13989.)

4561 -- July 12, 1978

Letter from the Secretary of Agriculture, transmitting the annual report on the Food for Peace program for fiscal year 1977, pursuant to section 408(a) of the Agricultural Trade Development and Assistance Act of 1954, as amended (80 Stat. 1537, 90 Stat. 854). (Referred jointly to Committees on Agriculture and International Relations.)

4623 -- July 21, 1978

Letter from the Comptroller General of the United States, transmitting a report on needed improvements in the Department of Agriculture's voluntary beef grading programs, (CED-78-141, July 21, 1978). (Referred jointly to Committees on Government Operations and Agriculture.)

4747 -- Aug. 9, 1978

Letter from the Comptroller General of the United States, transmitting a report on the criteria and methods used by the Bureau of Reclamation, Corps of Engineers, and Soil Conservation Service in making benefit-cost analyses for Federal water resources projects (CED-78-127, August 7, 1978). (Referred jointly to Committees on Government Operations, Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)

4748 -- Aug. 10, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Seed Act (53 Stat. 1275) to update its provisions, and for other purposes.

4952 -- Sept. 8, 1978

Letter from the Comptroller General of the United States, transmitting a report on the causes of food price rises (CED-78-170, September 8, 1978). (Referred jointly to Committees on Government Operations, Agriculture, and Education and Labor.)

4988 -- Sept. 18, 1978

Letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting plans for works of improvement in two watersheds, neither of which involves a project with a structure providing more than 4,000 acre-feet of total storage capacity, pursuant to section 5(3) of the Watershed Protection and Food Prevention Act, as amended.

5074 -- Oct. 2, 1978

Letter from the Secretary of Agriculture, transmitting the report of the Special Task Force which reviewed the operation of Public Law 480, pursuant to section 1210 of Public Law 95-113. (Referred jointly to Committees on Agriculture and International Relations.)

5125 -- Oct. 13, 1978

Letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Plant Variety Protection Act (7 U.S.C. 2321 et seq.) to clarify its provisions, and for other purposes.

B. REPORTS REQUIRED TO BE FURNISHED TO THIS COMMITTEE

Animal Welfare Act:
  1976—Exec. Comm. 1152.
  1977—Exec. Comm. 4201.
Agricultural Research, Extension and Teaching:
  1977—Submitted by USDA, May 1978.
Commodity Credit Corporation:
  1976—Transmitted by the President, Nov. 1977.
  1977—Transmitted by the President, July 1978.

odity Futures Trading Commission:
76—Submitted by CFTC, Oct. 1977.
77—Submitted by CFTC, June 1978.
l for insurance legislation on commodity futures account: Sub-
by CFTC, Nov. 1976—Exec. Comm. 4.
:Upland Cotton Program:
75—Transmitted by the President, March 1977.
78—Transmitted by the President, March 1977.
Elm Disease: Submitted by USDA, Apr. 1977—Exec. Comm.

roducts Inspection Act:
76—Submitted by USDA, Feb. 1977.
77—Submitted by USDA, Feb. 1978.
ency Livestock Credit Act: Submitted by USDA, May 1978.
s; quarterly report from General Sales Manager, USDA:
h quarter, 1976—Submitted, Feb. 1977
t quarter, 1977—Submitted, Apr. 1977.
d quarter, 1977—Submitted, Aug. 1977.
d quarter, 1977—Submitted, Oct. 1977.
n quarter, 1977—Submitted, Jan. 1978.
t quarter, 1978—Submitted, May 1978.
d quarter, 1978—Submitted, July 1978.
d quarter, 1978—Submitted, Sept. 1978.
Farm; Status of: Submitted by USDA, Sept. 1978.
Credit Administration:
76—Exec. Comm. 1507.
77—Exec. Comm. 3405.
r-to-Consumer Direct Marketing Act: 1977–78—Submitted by
A, Nov. 1978.
l Crop Insurance Corporation:
76—Exec. Comm. 669.
77—Exec. Comm. 3896.
l Grain Inspection Service:
77—Submitted by USDA, Nov. 1977.
78—Submitted by USDA, Nov. 1978.
uacy of current grain standards: Submitted by USDA, Nov.

l Meat Inspection (report includes Poultry Products Inspec-
Act):
6—Submitted by USDA, May 1977.
7—Submitted by USDA, May 1978.
  Foreign Meat Processing Plants:
    1976—Submitted by USDA, Mar. 1977.
    1977—Submitted by USDA, Mar. 1978.
tamp Program:
6—Exec. Comm. 449.
7—Exec. Comm. 3232.
amp participation and accrued expenses:
quarter, FY 1978—Submitted by USDA, Apr. 1978.
l quarter, FY 1978—Submitted by USDA, July 1978.
l quarter, FY 1978—Submitted by USDA, Oct. 1978.
of recoupment of food stamp benefits: Submitted by USDA,
978.

Resource requirements: Submitted by USDA, Nov. 1978.
Forests:
  Evaluation report: 1977—Exec. Comm. 3428.
  Forests Service: 1977—Exec. Comm. 4272.
  Reforestation: 1977—Exec. Comm. 801.
Livestock transportation losses; research to reduce: Submitted by USDA, Aug. 1977.
Nutrition status monitoring system: Submitted April, 1978—Exec. Comm. 4222.
Public Law 480:
  1975—Exec. Comm. 790.
  1976—Exec. Comm. 2849.
  1977—Exec. Comm. 4561.
  Global Food Assessment Report:
    1977—Exec. Comm. 1659.
    1978—Exec. Comm. 3894.
New Directions for U.S. Food Assistance: Task force report—Exec. Comm. 5074.
Payment of ocean freight differential study: Transmitted, Feb. 1978.
Research facilities funds: 1976—Exec. Comm. 386.
Rural Development:
  Federal outlays: 1976—Submitted by USDA, Sept. 1978.
  Government Services: 1976—H. Doc. 95–51.
  Information and Technical Assistance: 1976—Exec. Comm. 402.
  Location of Federal Facilities:
    1976—Exec. Comm. 2.
    Correction to 1976 report—Exec. Comm. 831.
    1977—Exec. Comm. 2859.
  Progress: 1976—Exec. Comm. 560.
Rural Electrification Administration:
  1976—Exec. Comm. 394.
  1977—Exec. Comm. 3921.
U.S. Grain Standards Act: Foreign complaints and cancellation of grain export contracts:
  1st report submitted by USDA, Mar. 1977.
  2nd report submitted by USDA, June 1977.
  3rd report submitted by USDA, Aug. 1977.
  4th report submitted by USDA, Dec. 1977.
  5th report submitted by USDA, Jan. 1978.
  6th report submitted by USDA, Apr. 1978.
  7th report submitted by USDA, Aug. 1978.

C. MEMORIALS AND PETITIONS

Petition 1.. Jan. 4, 197

Petition of Mary C. Torres, Keaau, Hawaii, and others, relative to foreign sugar quotas.

Petition 26.. Jan. 6, 197

Petition of R. Keith Higginson, Director, State of Idaho Department of Water Resources, Boise, relative to the proposed national dam safety program. (Referred jointly to Committees on Public Works and Transportation, Interior and Insular Affairs, and Agriculture.)

++Memorial 7.. Jan. 28, 197

Memorial of the Legislature of the State of Colorado, relative to the reenactment of a sugar act.

Memorial 12	Mar. 15, 1977
Memorial of the Legislature of the State of Nevada, relative to U.S. Forest Service purchase of lands at Lake Tahoe.	
Memorial 40	Mar. 15, 1977
Memorial of the Legislature of the State of Idaho, relative to sugar beet market conditions.	
Memorial 41	Mar. 15, 1977
Memorial of the Legislature of the State of Washington relative to Federal regulations on pesticides.	
ion 60	Mar. 15, 1977
Petition of the Fifth Northern Mariana Islands Legislature, Susupe, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to amending the Food Stamp Act to include the Northern Mariana Islands.	
Memorial 60	Mar. 24, 1977
Memorial of the State of Mississippi, relative to requiring the labeling of beef as to origin.	
ion 73	Apr. 4, 1977
Petition of the city council, Yonkers, New York, relative o quotas on the importation of raw sugar. (Referred ointly to Committees on Ways and Means and Agricul- ure.)	
Memorial 78	Apr. 5, 1977
Memorial of the Legislature of the State of North Dakota, relative to requiring Federal agencies to enhance ands under their control.	
Memorial 90	Apr. 19, 1977
Memorial of the Senate of the State of Hawaii, relative protection of the domestic sugar industry.	
emorial 100	Apr. 19, 1977
Memorial of the Senate of the State of Hawaii, relative implementation of the recommendations of the National onference of State Legislatures relative to the AFDC uality control program. (Referred jointly to Committees n Ways and Means, Interstate and Foreign Commerce, nd Agriculture.)	
Memorial 101	Apr. 22, 1977
Memorial of the Senate of the State of Hawaii, relative reforms in the food stamp program.	
emorial 127	May 3, 1977
Memorial of the Assembly of the State of California, lative to water conservation.	
on 104	May 5, 1977
Petition ofthe Board of Directors, Kentucky Bankers ssociation, Louisville, Ky., relative to the congressional ural caucus budget proposal for fiscal year 1978.	
emorial 138	May 6, 1977
Memorial of the Legislature of the State of Alabama, lative to labeling beef as to origin.	
n 106	May 10, 1977
Petition of the Chautuaqua County Legislature, Maysille, N.Y., relative to full funding of the Rural Development t.	
emorial 165	May 24, 1977
Memorial of the Legislature of the State of California, lative to pasture and grazing land.	
emorial 166	May 24, 1977
Memorial of the Legislature of the State of Washington, lative to permitting retroactive applications for Federal st-sharing grants for water projects to relieve the effects the current drought.	
emorial 176	June 8, 1977
Memorial of the Legislature of the State of Montana, lative to requiring the labeling of beef as to origin.	

++Memorial 177 Memorial of the Legislature of the State of Wisconsin, relative to aiding farmers in maintaining a decent income, expanding and expediting disaster assistance, and preserving the family farm.	June 8, 1977
Petition 122 Petition of the town planning board, town of Southhampton, Long Island, N.Y., relative to the National Agricultural Land Policy Act.	June 8, 1977
++Memorial 190 Memorial of the Legislature of the State of Louisiana, relative to labeling of imported beef.	June 20, 1977
++Memorial 216 Memorial of the Legislature of the State of California, relative to Gypsy moth eradiction and control.	July 12, 1977
++Memorial 220 Memorial of the Legislature of the State of New York, relative to Federal assistance to agricultural industries.	July 15, 1977
Petition 157 Petition of Council of County of Kauai, Hawaii, relative to sugar.	July 21, 1977
Petition 163 Petition of Council of City and County of Honolulu, Hawaii, relative to sugar.	July 28, 1977
Petition 208 Petition of the council of the city of New York, N.Y., relative to welfare reform. (Referred jointly to Committees on Ways and Means, Education and Labor, and Agriculture.)	Sept. 7, 1977
Petition 222 Petition of the Southern Governors' Conference, Atlanta, Ga., relative to agriculture.	Sept. 20, 1977
Petition 239 Petition of the AFL-CIO, Washington, D.C., relative to welfare reform. (Referred jointly to Committees on Agriculture, Education and Labor, and Ways and Means.)	Sept. 20, 1977
Petition 240 Petition of the Southern Governors' Conference, Atlanta, Ga., relative to Federal response to disasters. (Referred jointly to Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)	Sept. 20, 1977
Petition 250 Petition of the Southern Legislative Conference of the Council of State Governments, Atlanta, Ga., relative to the Federal forestry incentives program. (Referred jointly to Committees on Agriculture and Appropriations.)	Sept. 21, 1977
++Memorial 258 Memorial of the Legislature of the State of California, relative to bees.	Sept. 27, 1977
Petition 263 Petition of the Western Governors' Conference, San Francisco, Calif., relative to Federal agricultural policies.	Sept. 28, 1977
Petition 304 Petition of the Western Conference, Council of State Governments relative to welfare reform. (Referred jointly to Committees on Agriculture, Interstate and Foreign Commerce, and Ways and Means.)	Oct. 25, 1977
Petition 315 Petition of the National Conference of Lieutenant Governors, Atlanta, Ga., relative to recommendations made by the National Food Policy Committee. (Referred jointly to Committees on Agriculture and International Relations.)	Oct. 27, 1977
Petition 320 Petitions of the National Conference of Lieutenant Governors, Atlanta, Ga. relative to Federal assistance for drought areas. (Referred jointly to Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)	Oct. 27, 1977

Petition 334 -- Nov. 15, 1977

Petition of the National Association of State Departments of Agriculture, Washington, D.C., relative to policy statements.

Petition 337 -- Nov. 15, 1977

Petition of the Board of Directors, Texas and Southwestern Cattle Raisers Association, Fort Worth, Tex., relative to private water rights. (Referred jointly to Committees on Agriculture, and Interior and Insular Affairs.)

Petition 356 -- Dec. 1, 1977

Petition of the International Woodworkers of America, AFL-CIO, Portland, Oregon, relative to log exports and reforestation. (Referred jointly to Committees on Agriculture, Interior and Insular Affairs, and International Relations.)

Petition 387 -- Jan. 31, 1978

Petition of the Texas and Southwestern Cattle Raisers Association, relative to proposed reorganization of the Department of Agriculture.

+Memorial 290 -- Feb. 1, 1978

Memorial of the Legislature of the State of Minnesota, relative to family farms.

+Memorial 292 -- Feb. 8, 1978

Memorial of the Legislature of the State of South Carolina, relative to the plight of American farmers.

etition 395 -- Feb. 8, 1978

Petition of the Southern Legislative Conference of the Council of State Governments, Atlanta, Ga., relative to the Resource Conservation and Recovery Act of 1976 and increased support for the U.S. tobacco industry and the Agricultural Research and Cooperative Extension. (Referred jointly to Committees on Agriculture, Appropriations, and Interstate and Foreign Commerce.)

Memorial 301 -- Feb. 15, 1978

Memorial of the Legislature of the State of South Dakota, relative to restricting imports of foreign beef. (Referred jointly to Committees on Agriculture, and Ways and Means.)

Memorial 328 -- Mar. 14, 1978

Memorial of the Legislature of the Commonwealth of Virginia, relative to the economic problems of farmers.

Memorial 329 -- Mar. 14, 1978

Memorial of the Legislature of the Commonwealth of Virginia, relative to coverage afforded by Federal crop insurance programs.

Memorial 340 -- Mar. 21, 1978

Memorial of the Legislature of the State of Wyoming, relative to support of agriculture.

etition 424 -- Apr. 3, 1978

Petition of the State Board of Agriculture, Sacramento, Calif., relative to controlling the Japanese beetle.

Memorial 359 -- Apr. 5, 1978

Memorial of the Legislature of the State of Idaho, relative to the proposed transfer of the Soil Conservation Service from the Department of Agriculture.

Memorial 371 -- Apr. 17, 1978

Memorial of the House of Representatives of the State of Hawaii, relative to federally mandated pre-departure inspection requirements at airports in the State of Hawaii.

Memorial 378 -- Apr. 25, 1978

Memorial of the Legislature of the State of California, relative to control of the Japanese beetle.

Memorial 388 -- May 1, 1978

Memorial of the Legislature of the State of Idaho, relative to proposals for the transfer of the Forest Service from the Department of Agriculture.

+Memorial 389 -- May 1, 1978

Memorial of the Legislature of the State of Idaho, relative to stability of the domestic nutritive sweetener industry.

+Memorial 401 -- May 12, 1978

Memorial of the Legislature of the State of Wisconsin, relative to grain monopolies.

Memorial 409 -- May 18, 1978

Memorial of the Legislature of the State of Hawaii, relative to agricultural inspection at airports in Hawaii.

+Memorial 423 -- June 1, 1978

Memorial of the Legislature of the State of California, relative to Federal dam safety programs. (Referred jointly to Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)

Petition 478 -- June 14, 1978

Petition of the Oregon Legislative Assembly Joint Interim Task Force on Forestry Policy, Salem, Oregon, relative to forestry management practices. (Referred jointly to Committees on Agriculture and Interior and Insular Affairs.)

+Memorial 442 -- June 28, 1978

Memorial of the Legislature of the State of Florida, relative to preventing extraction of phosphate ore by surface mining methods in the Osceola National Forest, Florida.

+Memorial 447 -- July 10, 1978

Memorial of the Legislature of the State of California, relative to farmland inventory.

+Memorial 451 -- July 14, 1978

Memorial of the State of California relative to cotton production.

+Memorial 458 -- July 20, 1978

Memorial of the Legislature of the State of Louisiana, relative to agricultural lands within the United States owned by foreign nationals.

Petition 509 -- July 20, 1978

Petition of the Western Governors' Conference, San Francisco, California, relative to the development of an effective method for controlling predators.

Petition 515 -- July 20, 1978

Petition of the Western Governors' Conference, San Francisco, California, relative to the Sugar Stabilization Act of 1978. (Referred jointly to Committees on Agriculture, and Ways and Means.)

Petition 517 -- July 20, 1978

Petition of the Western Governors' Conference, San Francisco, California, relative to dam safety. (Referred jointly to Committees on Agriculture, Interior and Insular Affairs, and Public Works and Transportation.)

○

Union Calendar No. 974

95th Congress, 2d Session - - - - - - - - - - House Report No. 95–1840

SUMMARY OF ACTIVITIES

A REPORT

OF THE

COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

SECOND SESSION

PURSUANT TO AUTHORITY UNDER
PUBLIC LAW 91–510

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ROBERT GARCIA, New York [2]

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GARRY BROWN, Michigan
CHALMERS P. WYLIE, Ohio
JOHN H. ROUSSELOT, California
STEWART B. McKINNEY, Connecticut
GEORGE HANSEN, Idaho
HENRY J. HYDE, Illinois
RICHARD KELLY, Florida
CHARLES E. GRASSLEY, Iowa
MILLICENT FENWICK, New Jersey
JIM LEACH, Iowa
NEWTON I. STEERS, Jr., Maryland
THOMAS B. EVANS, Jr., Delaware
BRUCE F. CAPUTO, New York
HAROLD C. HOLLENBECK, New Jersey
S. WILLIAM GREEN, New York [2]

---

[1] Resigned from the committee, Dec. 31, 1977.
[2] Elected to the committee, Feb. 22, 1978.
[3] Deceased, June 18, 1978.

SUBCOMMITTEES OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

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WALTER E. FAUNTROY, District of Columbia

CHALMBERS P. WYLIE, Ohio
MILLICENT FENWICK, New Jersey
THOMAS B. EVANS, JR., Delaware

---

[1] Deceased, June 18, 1978.

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NORMAN E. D'AMOURS, New Hampshire
DOUG BARNARD, Georgia
WES WATKINS, Oklahoma
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DAVID W. EVANS, Indiana
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BRUCE F. VENTO, Minnesota
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WES WATKINS, Oklahoma
MARY ROSE OAKAR, Ohio

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JIM LEACH, Iowa

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LETTER OF TRANSMITTAL

U.S. House of Representatives,
Committee on Banking, Finance and Urban Affairs,
Washington, D.C., January 5, 1979.

Hon. Thomas P. O'Neill, Jr.,
Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker: Enclosed for your information, the Members of the House, and the public, is a summary of activities of the House Committee on Banking, Finance and Urban Affairs for the 95th Congress. In addition, this document includes a report on the Committee's investigative and oversight activities, as required by Section 118 of the Legislative Reorganization Act of 1970 (Public Law 91-510), as amended by Public Law 92-136.

During the 95th Congress, 842 bills and resolutions were referred to the Committee on Banking, Finance and Urban Affairs. Testimony taken in hearings conducted by the full Committee and the Subcommittees in the 244 sessions consists of approximately 40,846 printed pages. The Committee held 100 executive sessions, filed 35 reports and 10 conference reports, and considered 12 bills on which no reports were filed. Of the 47 bills considered by the Committee, 40 were considered by the House, 31 were enacted into law, 1 reported by Rules Committee, 2 remained in Rules Committee, 1 vetoed, 8, in whole or in part, became part of other legislation which became Public Law, and 4 were pending in the Senate.

The Committee printed 239 hearings transcripts and released 27 Committee and Subcommittee Prints.

As in the past, this reference document will be of assistance to all Members of the Committee and Congress as a research tool and historic reference outlining the activities of the Committee on Banking, Finance and Urban Affairs during the 95th Congress.

Sincerely,

Henry S. Reuss,
Chairman.

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Union Calendar No. 974

5th Congress } HOUSE OF REPRESENTATIVES { Report
2d Session } { No. 95–1840

SUMMARY OF ACTIVITIES

anuary 5, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Reuss, from the Committee on Banking, Finance and Urban Affairs submitted the following

REPORT

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LEGISLATIVE JURISDICTION OF THE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

The jurisdiction of the Committee on Banking, Finance and Urban Affairs is set forth in clause 1(d) of Rule X of the Rules of the House of Representatives as follows:

RULE X—ESTABLISHMENT AND JURISDICTION OF STANDING COMMITTEES

The committees and their jurisdiction

1. There shall be in the House the following standing committees, each of which shall have the jurisdiction and related functions assigned to it by this clause and clauses 2, 3, and 4; and all bills, resolutions, and other matters relating to subjects within the jurisdiction of any standing committee as listed in this clause shall (in accordance with and subject to clause 5) be referred to such committees, as follows:

(d) Committee on Banking, Finance and Urban Affairs.

(1) Banks and banking, including deposit insurance and Federal monetary policy.

(2) Money and credit, including currency and the issuance of notes and redemption thereof; gold and silver, including the coinage thereof; valuation and revaluation of the dollar.

(3) Urban development.

(4) Public and private housing.

(5) Economic stabilization, defense production, renegotiation, and control of the price of commodities, rents, and services.

(6) International finance.

(7) Financial aid to commerce and industry (other than transportation).

(8) International Financial and Monetary organizations.

ENUMERATION OF SPECIFIC SUBJECTS

The committee jurisdiction as set forth in rule X is of necessity listed in general terms. An enumeration of specific subjects contained in bills referred to, or acted upon by, the committee in the past will give a better understanding of the subject matters coming within the jurisdiction of the committee. The following enumeration is not intended to be all inclusive but merely attempts to list the subjects generally. In this respect, the National Bank Act, Federal Reserve Act, Defense Production Act, Banking Acts of 1933 and 1935, National Housing Act, several sections of the Revised Statutes and other acts, all within the jurisdiction of the committee, contain a great number of provisions which are not separately enumerated. The purpose here is not to summarize the provisions of statutes emanating from the committee, not to include the subject matter of all bills referred to the committee over the years, but only to illustrate in a more specific manner than does rule X the different subjects within the committee's jurisdiction. The enumeration follows:

Agencies and departments subject to legislative jurisdiction

Commerce, Department of.
Council on Wage and Price Stability.
Export-Import Bank.
Federal Deposit Insurance Corporation.
Federal Home Loan Bank Board.
Federal Preparedness Agency, General Services Administration.
Federal Reserve System.
Federal Savings and Loan Insurance Corporation.
Housing and Urban Development, Department of.
National Center for Productivity and Quality of Working Life.
National Credit Union Administration.
Renegotiation Board.

Treasury, Department of the

Bureau of the Comptroller of the Currency.
Bureau of Engraving and Printing.
Bureau of the Mint.

Banks and banking

Bank holding companies.
Branches of national banks.
Chartering, regulation, conservation, and liquidation of national banks.
Examination of national banks, insured banks, and Federal Reserve member banks.
Federal Deposit Insurance Corporation Act.
Federal Reserve Act.
Foreign branches.
Insurance of bank deposits.
Interest rate ceilings.
Investments by national banks.
Mergers, consolidations, and conversions of insured banks.
National Bank Act.
Reserve requirements of Federal Reserve member banks.

Coins and coinage

Commemorative coins.
Denominations, value, and weight of coins.
Metals used in coinage.
Proofs and mint sets and other special coins.
U.S. mints.

Creation of Government corporations

Export-Import Bank.
Federal Deposit Insurance Corporation.
Federal National Mortgage Association.
Federal Savings and Loan Insurance Corporation.
National Consumer Cooperative Bank.

Currency

- Counterfeiting.
- Denominations, value, and designs.
- Emergency powers of the President.
- Issue and redemption.
- Printing.
- Verification and destruction.

Deposit insurance

Economic stabilization and defense production measures

- Allocations and priorities.
- Business loans.
- Consumer affairs.
- Credit controls: Consumer and installment credit terms, and real estate credit terms.
- Defense Production Act.
- Dispersal of defense plants.
- Encouraging maximum employment.
- Government requisition and condemnation of commodities and facilities.
- Guarantee of bank loans.
- Installation of Government-owned equipment in private plants.
- Intergovernmental emergency assistance.
- Price controls on commodities and services.
- Productivity and work life equality.
- Rationing.
- Redevelopment of economically distressed areas.
- Rent controls.
- Stockpiling of raw materials.
- Subsidy payments.
- Usury.
- Voluntary agreements regarding prices, wages, service, or credit.
- Wage controls.

Federal credit unions

- Chartering, regulations, examination, and supervision.

Government lending

- Defense production loans.
- Export-Import Bank loans.
- Flood and catastrophe loans.
- Loans for college housing.
- Loans for community facilities.
- Loans to state and local development companies.
- Loans to state and local governments.

Historic preservation

Community development block grant funds for acquisition and preservation of historic properties.

FHA property improvement loans for financing preservation of historic structures.

Housing

College housing.
Community development.
Federal National Mortgage Association.
FHA insurance of cooperative housing.
FHA insurance of defense housing.
FHA insurance of disaster housing.
FHA insurance of housing in urban renewal areas.
FHA insurance of military and atomic energy installation housing.
FHA insurance of repair and improvement loans.
FHA insurance of servicemen's housing.
FHA insurance of single family, and multiple unit rental projects.
FHA rent supplement program.
For the elderly (FHA insurance and direct loans).
HUD related research.
Low-rent public housing.
Model cities.
Open-space land program.
Rural housing.
Urban beautification.
Urban planning grants.

Insurance

Against property damage caused by floods.
Crime insurance.
Disaster insurance.
Of deposits in banks.
Of share accounts in savings and loan associations.
Urban riot insurance.

International finance

African Development Fund.
Asian Development Bank.
Balance of payments.
Bretton Woods Agreements Act.
Exchange Stabilization Fund.
Foreign investment in the U.S.
Foreign exchange.
Inter-American Development Bank.
International Bank for Reconstruction and Development.
International commodity agreements.
International Development Association.
International Finance Corporation.
International Monetary Fund.

Medals, commemorative

Issuance and striking.

Money and credit

Bank reserves.
Credit terms.
Federal credit programs.
Federal guarantees and issuance.
Federal Reserve Board; Federal Reserve banks.

Federal Reserve rediscounts, rates.
Federal securities markets.
General price level.
Gold and gold standard.
Gold payments and ownership.
Interest rates.
Issue of, and reserve behind, Federal Reserve notes.
Monetary policy; coordination.
Operation of Federal Open Market Committee.
Support of Government bonds.
Valuation and revaluation of the dollar.

Renegotiation Act

Residential mortgage credit, insurance, and guarantee

FHA insurance programs.
Government secondary mortgage market (FNMA, FHLM Corp., and GNMA.
National bank real estate loans.

Savings and loan associations

Chartering and supervision of Federal savings and loan associations.
Federal Home Loan Bank System.
Federal supervision.
Savings and loan holding companies.

Silver

Coinage, value and use.

RULES—COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, NINETY-FIFTH CONGRESS

RULE NO. I.—GENERAL PROVISIONS

(a) The Rules of the House are the rules of the committees and subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittees. Each subcommittee of the committee is a part of the committee, and is subject to the authority and direction of the committee and to its rules so far as applicable.

(b) The committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under rule X of House Rules and (subject to the adoption of expense resolutions as required by rule XI, clause 5 of the House Rules) to incur expenses (including travel expenses) in connection herewith.

(c) The committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the committee shall be paid from the contingent fund of the House.

(d) The committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the committee under rules X and XI of House Rules during the Congress ending at noon on January 3 of such year.

(e) The committee's rules shall be published in the Congressional Record not later than 30 days after the Congress convenes in each odd-numbered year.

RULE NO. II.—REGULAR AND SPECIAL MEETINGS: OPEN COMMITTEE MEETINGS

(a) Regular meetings of the committee shall be held on the first and third Tuesday of each month while the Congress is in session. When the chairman believes that the committee will not be considering any bill or resolution before the full committee and that there is no other business to be transacted at a regular meeting, he will give each member of the committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice to that effect and no committee meeting shall be held on that day.

(b) The Chairman may call and convene, as he considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(c) If at least three members of the committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) If the chairman of the committee or subcommittee is not present at any meeting of the committee or subcommittee the ranking member of the majority party on the committee or subcommittee who is present shall preside at the meetting.

(e) The committee may not sit, without special leave, while the House is reading a measure for amendment under the 5-minute rule.

(f)(1) Each meeting for the transaction of business, including the markup of legislation, of the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day be closed to the public: Provided, however, That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(3) of House Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by the committee or each subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: Provided, however, that the committee or subcommittee may by the same procedure vote to close one subsequent day of hearing.

RULE NO. III.—RECORDS AND ROLLCALLS

(a) There shall be kept in writing a record of the proceedings of the committee and of each subcommittee, including a record of the votes on any question on which a rollcall is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those members present but not voting. A record vote may be demanded by any three of the members present or, in the apparent absence of a quorum, by any one member. With respect to each record vote by the committee to report any bill or resolution, the name of each member voting for and voting against the motion to report, and whether by proxy or in person, and the names of those members present but not voting, and the names of those members absent, shall be included in the committee report.

(b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto.

RULE NO. IV.—PROXIES

(a) No vote by any member of the committee or any of its subcommittees with respect to any measure or matter may be cast by proxy unless a proxy authorization is given in writing by the member desiring to cast a proxy, which authorization shall assert that the member is absent on official business or is absent due to personal illness and is thus unable to be present at the meeting of the committee or subcommittee and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto. Each proxy to be effective shall be signed by the member assigning his/her vote and shall contain the date and time of the day that the proxy is signed. No proxy shall be voted on a motion to adjourn or shall be counted to make a quorum or be voted unless a quorum is present.

(b) Proxies shall be in the following form:

Hon. ______________________________,
House of Representatives,
Washington, D.C.

Dear ________________________: I will be absent on official business/due to personal illness and thus unable to be present at the meeting of the committee or subcommittee. I hereby authorize you to vote in my place and stead in the consideration of ______________________ and any amendments or motions pertaining thereto. The official business that necessitates my absence is ______________________________________

____
Member of Congress

Executed this the ______ day of ________________, 19______, at the time of ______________________ p.m./a.m.

RULE NO. V.—POWER TO SIT AND ACT; SUBPENA POWER

(a) For the purpose of carrying out any of its functions and duties under House Rules X and XI the committee, or any subcommittee thereof, is authorized (subject to subparagraph (b)(1) of this paragraph)—

> (1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and
>
> (2) to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as it deems necessary. The chairman of the committee, or any member designated by the chairman, may administer oaths to any witness.

(b)(1) A subpena may be authorized and issued by the committee or subcommittee under subparagraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpenas under subparagraph (a)(2) may be delegated to the chairman of the committee pursuant to such limitations as the committee may prescribe. Authorized subpenas shall be signed by the chairman of the committee or by any member designated by the committee.

(2) Compliance with any subpena issued by the committee or subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House.

(c) Each witness who has been subpenaed, upon the completion of his testimony before the committee or any subcommittee, may report to the office of counsel of the committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the committee, or his representatives, prior to leaving the hearing room.

RULE NO. VI.—QUORUMS

A majority of the members of the full committee or subcommittees shall constitute a quorum of the full committee or subcommittees for the reporting of a measure or recommendation: Provided, that the number of members constituting a quorum for the taking of any action other than the reporting of a measure or recommendation shall be one-third of the members of the committee or subcommittee, and any two members shall constitute a quorum for the purpose of taking testimony and receiving evidence.

RULE NO. VII.—HEARING PROCEDURES

(a) The chairman, in the case of hearings to be conducted by the committee, and the appropriate subcommittee chairman, in the case of hearings to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date. In the latter event the chairman or the subcommittee chairman whichever the case may be shall make such public announcement at the earliest possible date. The clerk of the committee shall promptly notify all members of the committee and the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) So far as practicable, each witness who is to appear before the committee or a subcommittee shall file with the clerk of the committee, at least 24 hours in advance of his appearance, 100 copies of his proposed testimony and may be required to limit his oral presentation to a summary of his statement.

(c) When any hearing is conducted by the committee or any subcommittee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Upon announcement of a hearing, the Clerk and Staff Director shall cause to be prepared a concise summary of the subject matter (including legislative reports and other material) under consideration which shall be made available immediately to all members of the committee. In addition, upon announcement of a hearing and subsequently as they are received, the chairman shall make available to the members of the committee any official reports from departments and agencies on such matter.

(e) All other members of the committee may have the privilege of sitting with any subcommittee during its hearings or deliberations and may participate in such hearings or deliberations, but no such member who is not a member of the subcommittee shall vote on any matter before such subcommittee.

(f) Committee members may question witnesses only when they have been recognized by the chairman for that purpose, and only for a 5-minute period until all members present have had an opportunity to question a witness. The 5-minute period for questioning a witness by any one member can be extended only with the unanimous consent of all members present. The questioning of witnesses in both full and subcommittee hearings shall be initiated by the chairman, followed by the ranking minority party member and all other members alternating between the majority and minority. In recognizing members to question witnesses in this fashion, the chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority. The chairman may accomplish this by recognizing two majority members to each minority member recognized.

(g) The following additional rules shall apply to investigative hearings:

(1) The chairman at any investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person it shall—

(A) receive such evidence or testimony in executive session;

(B) afford such an opportunity voluntarily to appear as a witness; and

(C) receive and dispose of requests from such person to subpena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may review and photostat a copy of his or her testimony given at a public session or, if given at an executive session, when authorized by the committee.

RULE NO. VIII.—PROCEDURES FOR REPORTING BILLS AND RESOLUTIONS

(a)(1) It shall be the duty of the chairman of the committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(2) In any event, the report of the committee on a measure which has been approved by the committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request.

(b)(1) No measure or recommendation shall be reported from the committee unless a majority of the committee was actually present.

(2) With respect to each record vote by the committee to report any bill or resolution, the name of each member voting for and voting against the motion to report, and whether by proxy or in person, and the names of those members present but not voting, and the names of those members absent, shall be included in the committee report.

(c) The report of the committee on a measure which has been approved by the committee shall include—

(1) the oversight findings and recommendations required pursuant to the last sentence of clause 2(b) (1) of rule X of the House separately set out and clearly identified;

(2) the statement required by section 308(a) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority or new or increased tax expenditures;

(3) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted such estimate and comparison to the committee; and

(4) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of rule X of the House separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(d) Each report of the committee on each bill or joint resolution of a public character reported by the committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(e) If, at the time of approval of any measures, matter or any report or submission to be made to the House or to the Committee on the Budget under subclauses (g), (h), and (i) of clause 4 of Rule X of the Rules of the House of Representatives by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than 3 calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (3) and (4) of subparagraph (c)) are included as part of the report. This subparagraph does not preclude—

(A) the immediate filing or printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(f) If hearings have been held on any such measure or matter so reported, the committee shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(2) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

RULE NO. IX.—OVERSIGHT SUBCOMMITTEE

(a) In order to assist the House in:

(1) its analysis, appraisal, and evaluation of (A) the application, administration, execution, and effectiveness of the laws enacted by the Congress, or (B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation, and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate, there shall be established in conformity with rule XV an Oversight Subcommittee.

(b) The Oversight Subcommittee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the committee, and the organization and operation of the Federal agencies and entities which have responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Oversight Subcommittee shall review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the committee. The Oversight Subcommittee shall in no way limit the responsibility of the subcommittees from carrying out their oversight responsibilities.

(c) The Oversight Subcommittee shall review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the committee.

RULE NO. X.—REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS

(a) The committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, insure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirement, and objectives of the programs and activities involved. For the purposes of this paragraph a Government agency includes the organizational units of government listed in clause 7(d) of Rule XIII of the House Rules.

(b) The committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) The committee shall, on or before March 15 of each year, submit to the Committee on the Budget (1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions, and (2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) As soon as practical after a concurrent resolution on the budget for any fiscal year is agreed to, the committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) Whenever the committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget in accordance with the Congressional Budget Act of 1974.

RULE NO. XI.—BROADCASTING OF COMMITTEE HEARINGS

Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of Rule XI, clause 3 of the Rules of the House of Representatives. At all such meeting or proceedings, coverage by radio, television or still photography will be allowed unless specifically forbidden by a record vote of the committee or subcommittee. The coverage of any hearing or other proceeding of the committee or any subcommittee thereof by television, radio, or still photography shall be under the direct supervision of the chairman of the committee, the subcommittee chairman, or other member of the committee presiding at such hearing or other proceeding and, for good cause, may be terminated by him/her.

RULE NO. XII.—COMMITTEE AND SUBCOMMITTEE BUDGETS

(a) The chairman, in consultation with the majority members of the committee shall, for each session of the Congress, prepare a preliminary budget. Such budget shall include necessary amounts for staff personnel, for necessary travel, investigation, and other expenses of the full committee, and after consultation with the minority membership, the chairman shall include amounts budgeted to the minority members for staff personnel to be under the direction and supervision of the minority, travel expenses of minority members and staff, and minority office expenses. All travel expenses of minority members and staff shall be paid for out of the amounts so set aside and budgeted.

(b)(1) The chairman of each subcommittee, in consultation with the majority members thereof, shall prepare a budget to include funds for staff, travel, investigations, and miscellaneous expenses as may be required for the work of the subcommittee.

(2) The chairman of each subcommittee shall control the funds provided for in the subcommittee budget.

(c) The chairman shall combine the proposals of each subcommittee with the preliminary budget of the full committee into a consolidated committee budget, and shall present the same to the committee for its approval. The chairman shall then take all action necessary to bring about its approval by the Committee on House Administration and by the House.

(d) Authorization for the payment of additional or unforseen committee and subcommittee's expenses may be procured by one or more additional expense resolutions processed in the same manner as set of herein.

(e) The chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Rule XIV within the limits of their portion of the consolidated budget as approved by the House and the chairman may execute necessary vouchers thereof.

(f) Once monthly, at the regularly scheduled meetings, the chairman shall submit to the committee, in writing, for its approval, or other action, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount

dgeted to the full committee. Such report shall show the amount
d purpose of each expenditure and the budget to which such ex-
nditure is attributed.

RULE NO. XIII.—COMMITTEE AND SUBCOMMITTEE STAFF

(a) The professional and clerical staff assigned to the minority
all be appointed and their remuneration determined in such man-
er as the minority members of the committee shall determine within
e budget approved for such purposes by the committee; provided,
owever, that no minority staff person shall be compensated at a rate
hich exceeds that paid his or her majority party staff counterpart.

(b) The professional and clerical employees of the committee not
signed to a subcommittee or to the minority under the above pro-
ision shall be appointed, and may be removed, and their remuner-
tion determined by the chairman in consultation with and with
e approval of the majority members of the committee within the
dget approved for such purposes by the committee.

(c) The professional and clerical staff assigned to the minority
all be under the general supervision and direction of the minority
embers of the committee who may delegate such authority as
ey determine appropriate.

(d) The professional and clerical staff of the committee not
signed to a subcommittee or to the minority shall be under the
eneral supervision and direction of the chairman, who shall es-
blish and assign the duties and responsibilities of such staff
embers and delegate such authority as he determines appropriate.

(e) It is intended that the skills and experience of all members
f the committee staff be available to all memmbers of the committee.

(f)(1) The chairman of each standing subcommittee of this
mmittee is authorized to appoint one staff member who shall
rve at the pleasure of the subcommittee chairman.

(2) The ranking minority member of each standing subcommit-
e on this committee is authorized to appoint one staff person who
all serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of
bparagraphs (1) and (2) shall be compensated at a rate deter-
ined by the subcommittee chairman not to exceed (A) 75 per
ntum of the maximum established in paragraph (c) of clause 6
f the House Rule XI; provided, however, a staff person appointed
a ranking minority member shall be compensated at a rate not
exceed that paid his or her majority party staff counterpart.

(4) Subparagraphs (1) and (2) and (3) shall apply to six sub-
mmittees only, and no member shall appoint more than one person
rsuant to the above provisions.

(5) The staff positions made available to the subcommittee chair-
en and ranking minority party members pursuant to subpara-
aphs (1) and (2) shall be made available from the staff positions
ovided under clause 6 of House Rule XI unless such staff posi-
ons are made available pursuant to a primary or additional ex-
nse resolution.

(6) Except as provided by the above provisions, the professional and clerical members of the subcommittee staffs shall be appointed, and may be removed, and their remuneration determined by the subcommittee chariman in consultation with and with the approval of a majority of the majority members of the subcommittee, and with the approval of a majority of the majority members of the full committee, within the budget approved for the subcommittee.

(7) The professional and clerical staff of a subcommittee shall be under the supervision and direction of the chairman of that subcommittee.

RULE NO. XIV.—TRAVEL OF MEMBERS AND STAFF

(a) Consistent with the primary expense resolution and such additional expense resolution as may have been approved, the provisions of this rule shall govern travel of committee members and staff. Travel to be reimbursed from funds set aside for the full committee for any member or any staff member shall be paid only upon the prior authorization of the chairman. Travel may be authorized by the chairman for any member and any staff member in connection with the attendance of hearings conducted by the committee of any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the committee. Before such authorization is given there shall be submitted to the chairman in writing the following:

(1) The purpose of the travel;

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made;

(3) The location of the event for which the travel is to be made;

(4) The names of members and staff seeking authorization.

(b) In the case of travel of members and staffs of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee to be paid for out of funds allocated to such subcommittee, prior authorization must be obtained from the subcommittee chairman and the chairman. Such prior authorization shall be given by the chairman only upon the representation by the applicable chairman of the subcommittee in writing setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a) and in addition thereto setting forth that subcommittee funds are available to cover the expenses of the person or persons being authorized by the subcommittee chairman to undertake the travel and that there has been a compliance where applicable with Rule VII of the committee.

(c)(1) In the case of travel outside the United States of members and staff of the committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the committee or pertinent subcommittee, prior authorization must be obtained from the chairman or, in the case of a subcommittee from the subcommittee chairman and the chairman. Before such authorization is given, there shall be submitted to the chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) the purpose of the travel;

(B) the dates during which the travel will occur;

(C) the names of the countries to be visited and the length of time to be spent in each;

(D) an agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of committee jurisdiction involved; and

(E) the names of members and staff for whom authorization is sought.

(2) Requests for travel outside the United States may be initiated by the chairman or the chairman of a subcommittee (except that individuals may submit a request to the chairman for the purpose of attending a conference or meeting).

(3) At the conclusion of any hearing, investigation, study, meeting or conference for which travel outside the United States has been authorized pursuant to this rule, each subcommittee (members and staff attending meetings or conferences) shall submit a written report to the chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Members and staff of the committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and the Committee on House Administration pertaining to such travel.

RULE NO. XV.—NUMBER AND JURISDICTION OF SUBCOMMITTEES

(a) There shall be ten standing subcommittees as follows: Subcommittee on Domestic Monetary Policy; Subcommittee on Housing and Community Development; Subcommittee on Economic Stabilization; Subcommittee on Consumer Affairs; Subcommittee on International Development Institutions and Finance; Subcommittee on Financial Institutions Supervision, Regulation and Insurance; Subcommittee on International Trade, Investment and Monetary Policy; Subcommittee on General Oversight and Renegotiation; Subcommittee on Historic Preservation and Coinage; and Subcommittee on the City. All proposed legislation and other matters related to the subcommittees listed under standing subcommittees named below shall be referred to such subcommittees respectively.

Subcommittee on Domestic Monetary Policy

The jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all matters relating to monetary policy and agencies which directly or indirectly affect monetary policy, including the effect of such policy and other financial actions on interest rates, allocation of credit, and the structure and functioning of domestic and foreign financial institutions.

Further, the jurisdiction of the Subcommittee on Domestic Monetary Policy extends to all private foundations and charitable trusts.

Subcommittee on Housing and Community Development

The jurisdiction of the Subcommittee on Housing and Community Development extends to all matters relating to housing and mortgage credit (except programs administered by the Veterans' Administration), including mortgage and loan insurance pursuant to the National Housing Act; FHA mortgage interest rates; rural housing; housing assistance programs; secondary mortgage market programs and all other activities of FNMA, GNMA, and FHLMC; private mortgage insurance; housing construction and design standards; housing-related energy conservation; housing research and demonstration programs; financial and technical assistance for nonprofit housing sponsors; counseling and technical assistance; regulation of the housing industry (including landlord-tenant relations); real estate lending powers of financial institutions (including regulation of settlement costs); and interest charges for members of the Federal Home Loan Bank System.

The jurisdiction of the subcommittee further extends to matters relating to community development and community planning, training and research, including community development block grants; urban renewal; model cities; rehabilitation loans and grants; neighborhood facilities grants; open space land and urban beautification grants; water and sewer facilities grants; public facilities loans; national, urban or community development banks; advance acquisition of land programs; new communities assistance programs; national urban growth policies; comprehensive planning (including land use and areawide programs); community development training and fellowships; and urban research and technologies.

Further, jurisdiction of the subcommittee extends to flood insurance and related land use controls, urban property protection and reinsurance, crime insurance, and regulation of interstate land sales.

Subcommittee on Economic Stabilization

The jurisdiction of the Subcommittee on Economic Stabilization shall extend to all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic stabilization, and all defense production matters as contained in the Defense Production Act of 1959, as amended, and all matters related thereto.

Subcommittee on Consumer Affairs

The jurisdiction of the Subcommittee on Consumer Affairs shall include all matters relating to consumer credit, including those matters in the Consumer Credit Protection Act dealing with truth-in-lending, extortionate credit transactions, restrictions on garnishments, reports of the National Commission on Consumer Finance, and fair credit reporting. The jurisdiction shall further include collection practices, discrimination in the extension of consumer credit, creditor remedies l debtor defenses, Federal aspects of the Uniform Consumer Credit de, and credit cards.

The jurisdiction of the subcommittee shall further extend to mat- s relating to the price of consumer goods, services, and commodities; rationing of consumer products; and hoarding.

Subcommittee on International Development Institutions and Finance

The jurisdiction of the Subcommittee on International Develop- ent Institutions and Finance extends to all matters relating to all ultilateral development lending institutions, including activities of e National Advisory Council on Interational Monetary and Finan- al Policies as related thereto; and monetary and financial develop- ents as they relate to the activities and objectives of such institutions.

ubcommittee on Financial Institutions Supervision, Regulation and Insurance

The jurisdiction of the Subcommittee on Financial Institutions upervision, Regulation and Insurance extends to all agencies which irectly or indirectly exercise supervisory or regulatory authority in onnection with, or provide deposit or other insurance for financial or ther institutions the establishment of interest rate ceilings on deposits, nd all auxiliary matters affecting or arising in connection with the ederal Deposit Insurance Corporation, the Federal Savings and oan Insurance Corporation, the National Credit Union Share Insur- nce Fund, the Federal Home Loan Bank Board, the Federal Reserve oard and System, the National Credit Union Administration, and he Comptroller of the Currency, together with those activities and perations of any other agency or department which relate to both omestic or foreign financial institutions.

Further, jurisdiction extends to and includes, with respect to finan- cial institutions and the department and agencies which regulate or supervise them, all activities relating to and arising in connection with the matters of chartering, branching, mergers and acquisitions, consolidations, and conversions.

Subcommittee on International Trade, Investment and Monetary Policy

The Subcommittee on International Trade, Investment and Monetary Policy shall have jurisdiction over all matters within the jurisdiction of the committee relating to international trade, including but not limited to, the activities of the Export-Import Bank.

Further, the jurisdiction of the subcommittee shall extend to international investment policies, both as they relate to U.S. investments for trade purposes by citizens of the United States and investments made by all foreign entities in the United States.

Further the subcommittee shall have jurisdiction over the International Monetary Fund, its permanent and temporary agencies, and all matters related thereto.

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Subcommittee on General Oversight and Renegotiation

The Subcommittee on General Oversight and Renegotiation shall assist the House Committee on Banking, Finance and Urban Affairs in appraising the administration of the laws and regulations under the jurisdiction of the committee and present such recommendations as deemed necessary to the appropriate subcommittee(s) of the committee.

Further, the subcommittee shall exercise continuing oversight of the execution by the administrative agencies concerning any of the laws the subject matter of which reside within the jurisdiction of the committee and shall study all pertinent reports, documents and data pertinent to the jurisdiction of the committee and make the necessary recommendations or reports thereon to the appropriate subcommittee(s) of the committee.

Further, the subcommittee shall have full jurisdiction over the Renegotiation Act of 1951, as amended.

Subcommittee on Historic Preservation and Coinage

The jurisdiction of the Subcommittee on Historic Preservation and Coinage includes FHA property improvement loans under Title I of the National Housing Act which can be used to finance the preservation of historic structures; community development block grant funds authorized under Title I of the 1974 Housing Act which can be used to finance the acquisition and preservation of historic properties; and section 701 comprehensive planning grants to public bodies which can be used to finance surveys of historic sites and structures.

Further, the subcommittee's jurisdiction extends to all matters relating to coins, coinage, currency and medals, including commemorative coins, commemorative medals, proof and mint sets and other special coins, Coinage Act of 1965, gold and silver, including coinage thereof (but not the par value of gold), gold medals, counterfeiting, and currency denominations and designs.

Subcommittee on the City

The Subcommittee on the City shall be a non-legislative subcommittee to study, investigate, report on and make recommendations concerning the problems of the cities.

(b) The committee may provide for such additional subcommittees as determined to be appropriate; Provided, however, that such additional subcommittees are approved by a majority of the majority members on the committee.

(c) A member serving as chairman of any subcommittee on this committee shall not also serve as the chairman of a subcommittee on any other standing committee; Provided, however, that this provision shall not apply to members serving as subcommittee chairman on the Budget Committee; House Administration Committee; Joint Committees; or on the Small Business Committee who served as a subcommittee chairman on the Select Committee on Small Business as of October 8, 1974.

Subcommittees of the Committee on Banking, Finance and Urban Affairs

The City

Henry S. Reuss, Wis., Chairman; Edward W. Pattison, N.Y.; Mary Rose Oakar, Ohio; James M. Hanley, N.Y.; John J. Cavanaugh, Nebr.; Jim Mattox, Tex.; Wes Watkins, Okla.; Richard Kelley, Fla.; Stewart B. McKinney, Conn.; Millicent Fenwick, N.J.

Housing and Community Development

Thomas L. Ashley, Ohio, Chairman; William S. Moorhead, Pa.; Fernand J. St Germain, R.I.; Henry B. Gonzalez, Tex.; Parren J. Mitchell, Md.; James M. Hanley, N.Y.; Walter E. Fauntroy, D.C.; Jerry M. Patterson, Calif.; John J. LaFalce, N.Y.; Les AuCoin, Oreg.; Gladys Noon Spellman, Md.; James J. Blanchard, Mich.; Carroll Hubbard, Jr., Ky.; Paul E. Tsongas, Mass.; Mark W. Hannaford, Calif.; David W. Evans, Ind.; Stanley N. Lundine, N.Y.; Garry Brown, Mich.; J. William Stanton, Ohio; John H. Rousselot, Calif.; Chalmers P. Wylie, Ohio; Stewart B. McKinney, Conn.; Richard Kelly, Fla.; Charles E. Grassley, Iowa; Thomas B. Evans, Jr., Del.

Economic Stabilization

William S. Moorhead, Pa., Chairman; James J. Blanchard, Mich.; Stanley N. Lundine, N.Y.; Bruce F. Vento, Minn.; Doug Barnard, Ga.; Wes Watkins, Okla.; Thomas L. Ashley, Ohio; Walter E. Fauntroy, D.C.; Carroll Hubbard, Jr., Ky.; John J. LaFalce, N.Y.; Edward W. Pattison, N.Y.; Stewart B. McKinney, Conn.; J. William Stanton, Ohio; Richard Kelly, Fla.; Bruce F. Caputo, N.Y.; Newton I. Steers, Jr., Md.

Financial Institutions Supervision, Regulation and Insurance

Fernand J. Germain, R.I., Chairman; Frank Annunzio, Ill.; James M. Hanley, N.Y.; Carroll Hubbard, Jr., Ky.; Jerry M. Patterson, Calif.; Butler Derrick, S.C.; Thomas L. Ashley, Ohio; Norman E. D'Amours, N.H.; John J. LaFalce, N.Y.; Clifford Allen, Tenn.; John J. Cavanaugh, Nebr.; Mary Rose Oakar, Ohio; Jim Mattox, Tex.; John H. Rousselot, Calif.; Chalmers P. Wylie, Ohio; Garry Brown; Mich.; Henry J. Hyde, Ill.; George Hansen, Idaho; Jim Leach, Iowa.

International Development Institutions and Finance

Henry B. Gonzalez, Tex., Chairman; Joseph G. Minish, N.J.; William S. Moorhead, Pa.; Jerry M. Pattison, Calif.; Paul E. Tsongas, Mass.; Norman E. D'Amours, N.H.; John J. LaFalce, N.Y.; Mark W. Hannaford, Calif.; Mary Rose Oakar, Ohio; Henry J. Hyde, Ill.; Charles E. Grassley, Iowa; Garry Brown, Mich.; Harold C. Hollenbeck, N.J.

General Oversight and Renegotiation

Joseph G. Minish, N.J., Chairman; David W. Evans, Ind.; Jim Mattox, Tex.; Henry B. Gonzalez, Tex.; Frank Annunzio, Ill.; Clifford Allen, Tenn.; Carroll Hubbard, Jr., Ky.; Parren J. Mitchell, Md.; Gladys Noon Spellman, Md.; Charles E. Grassley, Iowa; George Hansen, Idaho; John H. Rousselot, Calif.; Newton I. Steers, Jr., Md.

Consumer Affairs

Frank Annunzio, Ill., Chairman; Gladys Noon Spellman, Md.; Bruce F. Vento, Minn.; Clifford Allen, Tenn.; Fernand J. St Germain, R.I.; Joseph G. Minish, N.J.; Walter E. Fauntroy, D.C.; Chalmers P. Wylie, Ohio; Millicent Fenwick, N.J.; Thomas B. Evans, Jr., Del.

Domestic Monetary Policy

Parren J. Mitchell, Md., Chairman; Stephen L. Neal, N.C.; Norman E. D'Amours, N.H.; Doug Barnard, Ga.; Wes Watkins, Okla.; Butler Derrick, S.C.; Mark W. Hannaford, Calif.; George Hansen, Idaho; Harold C. Hollenbeck, N.J.; Bruce F. Caputo, N.Y.

Historic Preservation and Coinage

Walter E. Fauntroy, D.C., Chairman; Edward W. Pattison, N.Y.; Mary Rose Oakar, Ohio; Doug Barnard, Ga.; Jim Mattox, Tex.; Jim Leach, Iowa; Thomas B. Evans, Jr., Del.

International Trade, Investment and Monetary Policy

Stephen L. Neal, N.C., Chairman; Les AuCoin, Oreg.; Paul E. Tsongas, Mass.; Edward J. Pattison, N.Y.; John J. Cavanaugh, Nebr.; James J. Blanchard, Mich.; Mark W. Hannaford, Calif.; David W. Evans, Ind.; Stanley N. Lundine, N.Y.; Bruce F. Vento, Minn.; Doug Barnard, Ga.; Wes Watkins, Okla.; Mary Rose Oakar, Ohio; J. William Stanton, Ohio; Henry J. Hyde, Ill.; Millicent Fenwick, N.J.; Harold C. Hollenbeck, N.J.; Newton I. Steers, Jr., Md.; Jim Leach, Iowa.

RULE NO. XVI.—POWERS AND DUTIES OF SUBCOMMITTEES

(a) Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the chairman and other subcommittee chairmen and with a view toward avoiding simultaneous scheduling of full committee and subcommittee meetings or hearings whenever possible.

(b) Whenever a subcommittee has ordered a bill, resolution, or other matter to be reported to the committee, the chairman of the subcommittee reporting the bill, resolution, or matter to the full committee. or any member authorized by the subcommittee to do so, may report such bill, resolution, or matter to the committee. It shall be the duty of the chairman of the subcommittee to report or cause to be reported promptly such bill, resolution, or matter, and to take or cause to be taken the necessary steps to bring such bill, resolution, or matter to a vote.

(c) No bill or joint resolution approved by a subcommittee shall be considered by the committee unless such measure, as approved, has been made available to all members at least two calendar days prior to the meeting, accompanied by a section-by-section analysis of such measure. The provisions of this paragraph may be suspended by the committee by a two-thirds vote.

(d) All committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report:

"This report has not been officially adopted by the Committee on Banking, Finance and Urban Affairs (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members."

(e) Bills, resolutions, or other matters favorably reported by a subcommittee shall automatically be placed upon the agenda of the committee as of the time they are reported and shall be considered by the full committee in the order in which they were reported unless the committee shall by majority vote otherwise direct: Provided, that no bill reported by a subcommittee shall be considered by the full committee unless each member has been provided with reasonable time prior to the meeting to analyze such bill, together with a comparison with present law and a section-by-section analysis of the proposed change, and a section-by-section justification.

RULE NO. XVII.—REFERRAL OF LEGISLATION TO SUBCOMMITTEES

(a) Each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee named in Rule XV referred to or initiated by the full committee shall be referred to the subcommittee of appropriate jurisdiction within 2 weeks unless, by majority vote of the majority members of the full committee, consideration is to be by the full committee.

(b) Referral to a subcommittee shall not be made until 3 days shall have elapsed after written notification of such proposed referral to all subcommittee chairmen, at which time such proposed referral shall be made unless one or more subcommittee chairmen shall have given written notice to the chairman of the full committee and to the chairman of each subcommittee that he intends to question such proposed referral at the next regularly scheduled meeting of the committee, or at a special meeting of the committee called for that purpose at which time referral shall be made by the majority members of the committee. All bills shall be referred under this rule to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee. A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of the majority members of the committee for the committee's direct consideration or for reference to another subcommittee.

(c) Committee reports shall be filed at such time as the committee shall determine with reasonable time allowed for members to file supplemental, individual, dissenting or other views.

(d) In carrying out Rule XVII with respect to any matter, the chairman may refer the matter simultaneously to two or more subcommittees, consistent with Rule XV, for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or refer the matter pursuant to Rule X to a special ad hoc committee appointed by the chairman (from the members of the subcommittee having legislative jurisdiction) for the specific purpose of considering that matter and reporting to the committee thereon, or make such other provisions as may be considered appropriate.

RULE NO. XVIII.—SIZES APD PARTY RATIOS ON SUBCOMMITTEES AND CONFERENCE COMMITTEES

(a) To the extent that the number of subcommittees and their party ratios permit, the size of all subcommittees shall be established so that the majority party members of the committee have an equal number of subcommittee assignments: Provided, however, that a member may waive his or her right to an equal number of subcommittee assignments on the committee; and provided further, that the majority party members may limit the number of subcommittee assignments of the chairman and the subcommittee chairmen and the minority party members may limit the number of subcommittee assignments of ranking minority party members in order to equalize committee workloads.

(b) On each subcommittee there shall be a ratio of at least two majority party members for each minority party member, plus one majority party member. In calculating the ratio of majority party members to minority party members, there shall be included all ex officio voting members of the subcommittees.

(c) Following shall be the sizes and majority/minority ratios for subcommittees:

(1) Subcommittee on Domestic Monetary Policy: Total—10. Majority—7. Minority—3.

(2) Subcommittee on Housing and Community Development: Total—25. Majority—17. Minority—8.

(3) Subcommittee on Economic Stabilization: Total—16. Majority—11. Minority—5.

(4) Subcommittee on Consumer Affairs: Total—10. Majority—7. Minority—3.

(5) Subcommittee on International Development Institutions and Finance: Total—13. Majority—9. Minority—4.

(6) Subcommittee on Financial Institutions Supervision, Regulation and Insurance: Total—19. Majority—13. Minority—6.

(7) Subcommittee on International Trade, Investment and Monetary Policy: Total—19. Majority—13. Minority—6.

(8) Subcommittee on General Oversight and Renegotiation: Total—13. Majority—9. Minority—4.

(9) Subcommittee on Historic Preservation and Coinage: Total—7. Majority—5. Minority—2.

(10) Subcommittee on the City: Total—10. Majority—7. Minority—3.

(d) The full committee chairman, or a member designated by a majority of the majority members on the committee, shall recommend to the Speaker as conferees the names of those members (1) selected by the majority party members of the committee in a manner determined by them, and (2) selected by the minority party members of the committee in a manner determined by them. Provided, however, that recommendations of conferees to the Speaker shall provide a ratio of at least two majority party members for each minority party member, plus one majority party member.

BILLS AND RESOLUTIONS ACTED UPON BY THE COMMITTEE

Bill No.	Title	House report No.	Final action	Date approved
H.R. 3365	To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions and for other purposes.	95-23, 95-160 [1].	Public Law 95-22	Apr. 19, 1977
H.J. Res. 132	To authorize a special gold medal to be awarded to Miss Marian Anderson.		Public Law 95-9	Mar. 8, 1977
H.R. 3843	To authorize additional funds for housing assistance for lower income Americans in fiscal year 1977, to extend the Federal riot insurance and crime insurance programs, to establish a National Commission on Neighborhoods, and for other purposes.	95-42, 95-221.	Public Law 95-24	Apr. 30, 1977
H.R. 5294	To amend the Consumer Credit Protection Act to prohibit abusive practices by debt collectors.	95-131	Public Law 95-109	Sept. 20, 1977
H.R. 5262	To provide for increased participation by the United States in the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Asian Development Bank and the Asian Development Fund, and for other purposes.	95-154, 95-544.	Public Law 95-118	Oct. 3, 1977
H.R. 5675	To authorize the Secretary of the Treasury to invest public moneys, and for other purposes.	95-159, pt. I	Public Law 95-147	Oct. 28, 1977
H.R. 6655	To amend certain Federal laws pertaining to community development, housing and related programs.	95-236, 95-634.	Public Law 95-128	Oct. 12, 1977
H.R. 5959	To revise and extend the Renegotiation Act of 1951.	95-270	Rule granted	
S. 853 (H.R. 4962)	To extend the Defense Production Act of 1950 as amended.	95-232	Public Law 95-37	June 1, 1977
H.R. 6415	To extend and amend the Export-Import Bank Act of 1945.	95-235, 95-627.	Public Law 95-143	Oct. 26, 1977
H.R. 6951	To amend the Council on Wage and Price Stability to extend its termination date, and for other purposes.	95-316	Public Law 95-121	Oct. 6, 1977
H.R. 2777	To provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives, and for other purposes.	95-311, 95-1399	Public Law 95-351	Aug. 20, 1978
H.R. 7893	To amend certain federal laws for the purpose of providing financial and other assistance with respect to the weatherization of dwelling units, and for other purposes.	95-488, pt. I	(See H.R. 8444, title I and H.R. 5037, titles II and III, Public Law 95-619).	Nov. 9, 1978
H.R. 8065	To provide for a program of projects to promote economic stability by increasing productivity through the better use of human resources in employment, to encourage the development of worker and management capabilities and to improve job security in order to enhance the wellbeing to workers and quality of work-life.	95-572, pt. I	(See S. 2570, Public Law 95-524).	Oct. 27, 1978
H.R. 8094	To promote the accountability of the Federal Reserve System.	95-559	(See H.P. 9710)	
H.R. 9710	To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions, to promote the accountability of the Federal Reserve System, and for other purposes.	95-774	Public Law 95-188	Nov. 16, 1977
S.J. Res. 63	To amend the Federal Home Loan Bank Act		Public Law 95-96	June 29, 1977
H.J. Res. 525	To provide for a temporary extension of certain Federal Housing Administration mortgage insurance and related authorities and of the national flood insurance program, and for other purposes.		Public Law 95-60	June 30, 1977
S.J. Res. 77	To provide for a temporary extension of certain FHA mortgage insurance and related authorities and of the national flood insurance program, and for other purposes.		Public Law 95-80	July 31, 1977
S.J. Res. 79	To amend the Federal Home Loan Bank Act.		Public Law 95-90	Aug. 4, 1977
H.J. Res. 386	To provide for the striking of a national medal to be issued annually in commemoration of the bicentennials of outstanding historic events and personalities from 1777 to 1779.		Public Law 95-229	Feb. 14, 1978

BILLS AND RESOLUTIONS ACTED UPON BY THE COMMITTEE—Continued

Bill No.	Title	House report No.	Final action	Date approved
H.J. Res. 611	To extend the authority of the Federal Reserve banks to buy and sell certain obligations.		Public Law 95-154	Nov. 7, 1977
H.R. 9214	To amend the Bretton Woods Agreements Act to authorize the United States to participate in the supplementary financing facility of the International Monetary Fund.	95-853, 95-1613.	Public Law 95-435	Oct. 10, 1978
H.R. 10899	To provide for Federal regulation of participation by foreign banks in domestic financial markets.	95-910	Public Law 95-369	Sept. 17, 1978
H.R. 12157	To amend and extend the Export-Import Bank Act of 1945.	95-1115	(See H.R. 14279, title 19, Public Law 95-630.)	Nov. 10, 1978
H.J. Res. 816	To extend the authority of Federal Reserve banks to buy and sell certain obligations.	95-1088	Public Law 95-534	Oct. 27, 1978
H.R. 12426	To authorize the Secretary of the Treasury to provide financial assistance for the city of New York.	95-1129, pt. I, 95-1369.	Public Law 95-339	Aug. 8, 1978
S. 2093 (H.R. 9065)	To provide that the exchange stabilization fund shall not be available for payment of administrative expenses, and for other purposes.	95-1126	Public Law 95-612	Nov. 8, 1978
H.R. 7684	To amend the flammable Fabrics Act to require the Secretary of Commerce to study the necessity and feasibility of establishing Federal standards relating to fire prevention and control.	95-899, pt. II	Rules Committee	
S. 3084 (H.R. 12433).	To amend and extend certain Federal laws relating to housing, community and neighborhood development and preservation, and related programs, and for other purposes.	95-1161, 95-1792.	Public Law 95-557	Oct. 31, 1978
H.R. 13007	To amend the Consumer Credit Protection Act to establish rights, remedies, and responsibilities for all participants in the utilization of electronic fund transfer services.	95-1315	(See H.R. 14279, title 20, Public Law 95-630).	Nov. 10, 1978
H.R. 9486	To authorize a contribution by the United States to the tin buffer stock established under the 5th International Tin Argeement.	95-1057, pt. III.	(See H.R. 13750)	
H.R. 13087	To authorize the issuance of substitute Treasury checks without undertakings of indemnity except as the Secretary of the Treasury may require.	95-1320	Public Law 95-380	Sept. 22, 1978
H.R. 13471	To strengthen the supervisory authority of Federal agencies which regulate depository institutions, to prohibit interlocking management and director relationships between financial institutions, to amend the Federal Deposit Insurance Act, to restrict conflicts of interest involving officials of financial supervisory agencies, to control the sale of insured financial institutions, to regulate the use of correspondent accounts, to establish a Federal Bank Examination Council, and for other purposes.	95-1383	Considered in Committee of the Whole without completion. (See H.R. 14279, titles 1-11 Public Law 95-603).	Nov. 10, 1978
S. 3036 (H.R. 12728).	To amend the Coinage Act of 1965 to change the size, weight and design of the $1 coin, and for other purposes.	95-1576	Public Law 95-447	Oct. 10, 1978
H.R. 9937	To amend the Bank Holding Company Act Amendments of 1970 (Carson City silver dollars).	95-1574, 95-1806.	Vetoed	Nov. 11, 1978
H.R. 12900	To provide for additional assistance for the preservation of hisotric structures under Title I of the National Housing Act.	95-1591		
S. 425	To authorize the President of the United States to present on behalf of the Congress a specially struck gold medal to Lt. Gen. Ira C. Eaker, USAF (ret.)	95-1603	Public Law 95-438	Oct. 10, 1978
H. R. 8389	To authorize the President of the United States to present a gold medal to the widow of Robert F. Kennedy.	95-1601	Public Law 95-560	Nov. 1, 1978
H.R. 13174	To provide for the striking of national medals to commemorate the XIII Olympic winter games to be held in Lake Placid, N.Y., in 1980.	95-1602	Senate banking	
H.R. 13643	To provide for the striking of medals in commemoration of the life and ideals of Dr. Martin Luther King, Jr.	95-1604	Senate banking	
H.R. 14072	To facilitate the implementation of monetary policy and to promote competitive equality among commercial banks.	95-1590	Rules committee	

BILLS AND RESOLUTIONS ACTED UPON BY THE COMMITTEE—Continued

Bill No.	Title	House report No.	Final action	Date approved
H.J. Res. 1140	To amend section 8 of the Export-Import Bank Act of 1945.		Public Law 95-407	Sept. 30, 1978
S.J. Res. 165	To provide for a temporary extension of certain Federal Housing Administration mortgage insurance and related authorities, of the national flood insurance program, of the crime insurance and riot reinsurance programs, of certain rural housing authorities, and for other purposes.		Public Law 95-406	Sept. 30, 1978
H.J. Res. 1157	To amend section 8 of the Export-Import Bank Act of 1945.		Passed House, referred to Senate.	
H.R. 14279	To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions.		Public Law 95-630	Nov. 10, 1978
H.R. 14289	To extend the authority for the flexible regulation of interest rates on deposits and accounts in depository institutions.		Passed House, referred to Senate.	

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[1] 2d report number indicates conference report number on bills enacted into law.

COMMITTEE AND SUBCOMMITTEE PRINTS

NINETY-FOURTH CONGRESS

Summary of Activities, a report of the Committee on Banking, Currency and Housing, 94th Congress, second session, pursuant to authority under Public Law 91-510 (H. Rept. 94-1765), December 13, 1976.

Legislative Calendar, Committee on Banking, Currency and Housing, 94th Congress, final edition, November 1, 1976.

NINETY-FIFTH CONGRESS

First Session

Community Development Block Grant Program, February 17, 1977.

Explanatory Materials on the Administration's Proposed Changes in the Community Development Block Grant Allocation Formula, March 18, 1977.

Give Yourself Credit (Guide to Consumer Laws), March 18, 1977.

Toward a National Urban Policy, May 6, 1977.

Unemployment and Inflation: Paper No. 1, May 6, 1977.

Basic Laws and Authorities on Housing and Community Development (Revisions through January 3, 1977) Part 1, June 2, 1977, Part 2, June 28, 1977.

Report on the Impact of the Federal Budget on Cities, July 14, 1977.

Securities and Exchange Commission Staff Report on Transactions in Securities of the City of New York, September 2, 1977.

OPEC's Proposal to Peg the Price of Oil Exports to Special Drawing Rights, September 17, 1977.

To Save a City, September 22, 1977.

Federal Tax Policy and Urban Development, September 29, 1977.

Catalog of Federal Loan Guarantee Programs, September 1977.

Compilation of the Housing and Community Development Act of 1977, November 4, 1977.

Community Development Block Grant Program Directory of Recipients Fiscal Years 1975 and 1976 Appropriations, December 1977.

Food Price Outlook, 1977–78, December 1977.

How Cities Grow Old Gracefully, December 1977.

Second Session

Summary of Witness Testimony on the New York City Seasonal Loan Program, January 1978.

Large Corporations and Urban Employment, March 1978.

Report on Overseas Military Banking Facilities, April 1978.

Basic Laws and Authorities on Housing and Community Development (Revisions through January 3, 1978), Parts 1 and 2, 1978.

Summary of Witness Testimony on the National Domestic Development Act, July 1978.

The Canadian Economy and Its Relationship to the United States, August 1978.

City Need and the Responsiveness of Federal Grants Programs, August 1978.

Small Cities: How Can the Federal and State Governments Respond to Their Needs, August 1978.

Survey of Branching Powers, Lending Powers, and Trust Investment Powers of State and Federal Commercial Banks, Savings and Loan Associations, Credit Unions, and Mutual Savings Banks, October 1978.

Compilation of the Housing and Community Development Amendments of 1978, December 1978.

Proposition 13: Prelude to Fiscal Crisis or New Opportunities, December 1978.

November Banks Subject to Federal Required Reserves Under New Proposal, December 1978.

Hearings, 95th Congress

Administration's Anti-Inflation Program, The. June 21, July 12 and 26, 1978.

Administration's Voluntary Wage-Price Guidelines, The. November 22, 1978.

Appropriations to the Department of Energy, To Authorize. (H.R. 11137) April 4, 1978.

Assisted Housing, Task Force on. January 13, 14, 17, February 10, 17, September 5, 12 and 13, 1978.

Bicentennial Era National Medals Resolution. (H.J. Res. 386) June 29, 1977. Public Law 95–229.

Community Credit Needs. (H.R. 13748, H.R. 11256, H.R. 11310, H.R. 11767, H.R. 12052 and H.R. 14044) July 20, 25, 26, August 1, 2, 3, 8, 9, 10 and September 21, 1978.

Community Development Block Grant Program. November 12, 1977.

Community Investment, Task Force on. January 24 and February 25, 1978.

Conduct of Monetary Policy. February 2, 3, 4, July 28 and 29, 1977, March 7, 9 and April 10, 1978.

Conduct of Monetary Policy, Quarterly Hearings on the. July 28 and August 7, 1978.

Construction and Demolition of the Rockdale Apartment Project, The, Atlanta, Ga. February 22, 1978.

Consumer Credit Protection Act Amendments of 1977, The. (H.R. 8753) September 20, 22, 23, 26, 27, 28, 29 and 30, 1977, March 28 and 30, 1978.

Consumer Information. February 8, 9 and 10, 1977.

Consumer Financial Services Act of 1977 (NOW Account Legislation). (H.R. 8981) September 7, 1977.

Contribution by the United States to the Tin Buffer Stock Established under the Fifth International Tin Agreement, To Authorize a. (H.R. 9486) (H. Rept. 95–1057, Part III) May 11, 1978.

Council on Wage and Price Stability Act, Amendments to the. (H.R. 3184, H.R. 2100, H.R. 3810 and H.R. 2094) (H. Rept. 95–121 (H.R. 6951)) April 6, 19, 20, 21, 22 and 26, 1977. Public Law 95–121.

Council on Wage and Price Stability's Steel Industry Report, The. October 18, 1977.

Debt Collection Practices Act, The. (H.R. 29) (H. Rept. 95–131 (H.R. 5294)) March 8, 9 and 10, 1977. Public Law 95–109.

Development Lending and Illegal Immigration. September 14, 1977.

Energy and the City, September 14, 15 and 16, 1977.

Export-Import Bank Act of 1945, To Amend and Extend the. (H.R. 11384) (H. Rept. 95–1115 (H.R. 12157)) March 13, 15, 16 and 17, 1978. Public Law 95–630 (See H.R. 14279, Title 19).

Export-Import Bank Act of 1945, To Extend and Amend the. (H.R. 5501) (H. Rept. 95–235 (H.R. 6415) Conf. Rept. 95–627 (H.R. 6415)) March 25 and 28, 1977. Public Law 95–143.

Export-Import Bank and Trade with China. (H.R. 8196) January 26, 1978.

Export-Import Bank and Trade with South Africa. (H.R. 9746, H. Con. Res. 390 and H. Res. 913) February 9, 1978.

Federal Flood Insurance Program, Oversight of the. September 7 and 8, 1977.

Federal Loan Guarantees. March 29 and 30, 1977.

Federal Reserve Act Amendments of 1977. (H.R. 6273) June 23, 1977.

Federal Reserve Amendments. (H.R. 12621 and H.R. 13148) July 14, 1978.

Federal Reserve Meetings, Maintaining and Making Public Minutes of. (H.R. 9465 and H.R. 9589) October 27, 28 and November 17, 1977.

Federal Reserve Reform Act of 1977. (H.R. 8094) (H. Rept. 95–559) July 18 and 26, 1977.

Federal Reserve—Treasury Draw Authority. June 27 and 28, 1978.

Federal Tax Policy and Urban Development. June 16, 1977.

Food Price Outlook 1977–78. September 20, 1977.

Food Price Outlook 1978–79. September 19, 1978.

GAO Study of Federal Bank Regulations. February 1 and 2, 1977.[1]

Historic Resources, An Adequate Loan Program for. May 24, June 29, July 27, 1977 and March 20, 1978.

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[1] Joint Hearing with Committee on Government Operations.

Home Ownership, Task Force on. January 16, 17, 24, February 2, 3, 4, and July 18, 25, August 8, 10, 15, September 7, 8 and 12, 1978.

Housing and Community Development Act of 1977. (H. Rept. 95–236 (H.R. 6655) Conf. Rept. 95–634 (H.R. 6655)) February 25, 28, March 1, 2, 3, 4, 7, 8 and 9, 1977. Public Law 95–128.

Housing and Community Development Amendments of 1978. (H. Rept. 95–1161 (S. 3084 (H.R. 12433) Conf. Rept. 95–1792 (S. 3084 (H.R. 12433)) March 8, 20, 21, 22 and 23, 1978. Public Law 95–557.

Human Resources Development Act of 1977, The. (H.R. 2596) (H. Rept. 95–572, Part I (H.R. 8065)) March 24, 31 and April 5, 1977. (See S. 2570) Public Law 95–524.

Impact of the Federal Budget on Cities, The. March 29, 1977.

Inflationary Effects of Foreign Trade Policy. July 20, 1977.

International Banking Act of 1977. (H.R. 7325) (H. Rept. 95-910 (H.R. 10899)) July 12, 13, 14 and 19, 1977. Public Law 95–369.

International Banking Operations. March 23, 24, April 5 and 6, 1977.

International Commodity Agreements. June 8, 1977.

International Development Institutions Authorizations, 1977. (H.R. 5262) (H. Rept. 95–154). (Conf. Rept. 95–544). March 22, 23 and 24, 1977. Public Law 95–118.

International Monetary Fund, U.S. Participation in the Supplementary Financing Facility of the. (H.R. 9214) (H. Rept. 95–853). (Conf. Rept. 95–1613). September 20, 29 and 30, 1977. Public Law 95–435.

International Trade Policy for American Business and Consumers, The Implications of our. October 8, 1977.

Interstate Land Sales Full Disclosure Act Amendments, The. August 1, 2 and 3, 1978.

Interstate Land Sales Full Disclosure Act, Oversight. April 11, 12 and 13, 1978.

Investment Policy Act of 1977, The. (H.R. 7102) September 27 and 28, 1977.

Livable Cities: How Small Grants Programs can make a Difference. August 3 and 4, 1977.

Loan Guarantees and the Federal Financing Bank. (H.R. 7918) July 19 and September 15, 1977.

Monetary Efficiency and Federal Reserve Membership. (H.R. 14072, H.R. 12706, H.R. 13476 and H.R. 13477) (H. Rept. (H.R. 14072).

Monetary Policy in 1977, Review of. January 30, 1978.

Multinational Development Institutions, U.S. Participation in. February 28, March 14, 15, April 5 and May 18, 1978.

National Consumer Cooperative Bank Act. (H.R. 2777) (H. Rept. 65–311). (Conf. Rept. 95–1399). April 25 and 26, 1977. Public Law 95–351.

National Development Bank, To Establish a. (H.R. 13230) August 1 and 2, 1978.

National Energy Act. (H.R. 6831, H.R. 4757, H.R. 3981 and H.R. 3128) May 23, 24, 25, 26 and June 1, 1977.

National Medals in Commemoration of: Dr. Martin Luther King, Jr., and the XIII Olympic Winter Games, To Provide for the Striking of. (H.R. 13174 and H.R. 13643) (H. Rept. 95–1602 (H.R. 13174). H. Rept. 95–1604 (H.R. 13643)) August 9, 1978.

National Medals, Legislation Authorizing the Issuance of. (H.R. 8389, H.R. 2520, H.R. 11952 and S. 425) (H. Rept. 95–1603 (S. 425)). April 26, 1978. Public Law 95–438.

National Medals, Oversight Hearing on. April 26, 1977.

New York City Fiscal and Financial Assistance. (H. Rept. 95–1129. Part I (H.R. 12426) (Conf. Rept. 95–1369 (H.R. 12426)). February 21, 22, March 3, 8 and 15, 1978. Public Law 95–339.

One Bank Holding Company Act of 1970, To Amend (Carson City Silver Dollars). (H.R. 9937) (H. Rept. 95–1574) (Conf. Rept. 95–1806) April 3, 1978. VETOED.

One-Dollar Coin, Proposed Smaller. (H.R. 12444) (H. Rept. 95–1576 (S. 3036) (H.R. 12728)) May 17 and 31, 1978. Public Law 95–447.

Productivity and Anti-Inflation Policy. September 14, 1978.

Proposition 13: Prelude to Fiscal Crisis or New Opportunities. July 25 and 26, 1978.

Recent Monetary Development and Future Economic Performance. September 27, 1977.

Regulation Q, To Extend. (H.R. 1901) (H. Rept. 95–774 (H.R. 9710)). February 7, 1977. Public Law 95–188.

Renegotiation Reform Act of 1977, The. (H.R. 4082) (H. Rept. 95-270 (H.R. 5959)) March 29, 30 and 31, 1977.

Safe Banking Act of 1977, The. (H.R. 9086) September 6, 14, 19, 20, 21, 22, 28, 29 and October 3, 1977.

Simplification of the Truth in Lending Act. September 6, 7 and 8, 1978.

Small Cities: How Can the Federal and State Governments Respond to their Diverse Needs. May 16, 19 and 26, 1978.

Solar Development Bank Act, The. (H.R. 7800) April 25, 26 and 27, 1978.

Substitute Checks without Undertakings of Indemnity, Except as the Secretary of the Treasury may Require, To Authorize the Issuance of. (H.R. 9748) (H.R. 95–1320 (H.R. 13087)) June 6, 1978. Public Law 95–380.

Successes Aboard: What Foreign Cities Can Teach American Cities. April 4, 5 and 6, 1977.

Supplemental Housing Authorization for Fiscal Year 1977. (H. Rept. 95–42 (H.R. 3843) (Conf. Rept. 95–221 (H.R. 3842)) February 22, 1977. Public Law 95–24.

Tax and Loan Accounts Legislation. (H.R. 3929) (H. Rept. 95–159, Part I (H.R. 5675)) March 9, 1977. Public Law 95–147.

Trade Policy and Protectionism. July 25, 26 and August 1, 1978.

Treasury-Federal Reserve Draw Authority, Extending the. (H.J. Res. 816) (H. Rept. 95–1088) April 5, 1978. Public Law 95–534.

Urban Policy. (H.R. 12858, H.R. 12859 and H.R. 12893) August 8, 9 and 10, 1978.

Urban Riot Reinsurance. November 2, 1977.

Urban Riot Reinsurance and Crime Insurance Programs, Extension. February 16, 1977.

REPORTS, 95TH CONGRESS

Anthony Dollar Coin Act of 1978, Susan B. (H. Rept. 95–1576).

Carson City Silver Dollar Sales (H. Rept. 95–1574, H. Rept. 95–1806).

Council on Wage and Price Stability Amendments of 1977 (H. Rept. 95–316).

Debt Collection Practices Act (H. Rept. 95–131).

Defense Production Act of 1950, Extending the (H. Rept. 95–232).

Depository Institutions Amendments of 1977 (H. Rept. 95–23).

Eaker, Presentation of Gold Medal to Lt. Gen. Ira C. (H. Rept. 95–1603).

Electronic Fund Transfer Act (H. Rept. 95–1315).

Exchange Stabilization Fund (H. Rept. 95–1126).

Export-Import Bank Act of 1978, Amending and Extending the (H. Rept. 95–1115).

Export-Import Bank Act of 1945, Extending and Amending the H. Rept. 95–235, H. Rept. 95–627).

Federal Reserve Reform Act (H. Rept. 95–559).

Financial Institutions Regulatory Act of 1978 (H. Rept. 95–1383).

Fire Prevention Study Act of 1978 (H. Rept. 95–989, Pt. II).

Historic Properties Improvement Loan Insurance Act of 1978 (H. Rept. 95–1591).

Housing and Community Development Act of 1977 (H. Rept. 95–236, H. Rept. 95–634).

Housing and Community Development Amendments of 1978 (H. Rept. 95–1161, H. Rept. 95–1792).

Human Resources Development Act of 1977 (H. Rept. 95–572, Pt. I).

Interest Rates on Deposits, Flexible Regulation of (H. Rept. 95–160).

International Monetary Fund, Authorization of U.S. Participation in the Supplementary Financing Facility of (H. Rept. 95–853).

International Monetary Fund Supplementary Financing Facility (H. Rept. 95–1613).

International Banking Act of 1978 (H. Rept. 95–910).

International Financial Institutions (H. Rept. 95–154, H. Rept. 95–544).

International Tin Buffer Stock, United States Contribution to (H. Rept. 95–1057, Pt. III).

Kennedy, Authorizing the President of the United States to Present a Gold Medal to the Widow of Robert F. (H. Rept. 95–1601).

King, Jr., To Provide for the Striking of Medals in Commemoration of the Life and Ideals of Dr. Martin Luther (H. Rept. 95–1604).

Monetary Policy, To Facilitate the Implementation of and to Promote Competitive Equality Among Commercial Banks (H. Rept. 95–1590).

National Consumer Cooperative Bank Act (H. Rept. 95–311, H. Rept. 95–1399).

National Weatherization Act (H. Rept. 95–488, Pt. I).

New York City Financial Assistance Act of 1978 (H. Rept. 95–1129, Pt. I, H. Rept. 95–1369).

Regulation Q Extension (H. Rept. 95–774).

Renegotiation Reform Act of 1977 (H. Rept. 95–270).

Supplemental Housing Authorization Act of 1977 (H. Rept. 95–42).

Supplemental Housing Authorization (H. Rept. 95–221).

Tax and Loan Accounts (H. Rept. 95–159, Pt. I).

Treasury Checks, Substitute (H. Rept. 95–1320).

United States Obligations by Federal Reserve Banks, Extending the Authority for Direct Purchase of (H. Rept. 95–1088).

XIII Olympic Winter Games to be held in Lake Placid, New York in 1980, To Provide for the Striking of National Medals to Commemorate the (H. Rept. 95–1602).

Summary of Legislation, Bills and Resolutions Reported by the Committee, Bills Enacted Into Law

FLEXIBLE REGULATION OF INTEREST RATES ON DEPOSITS

Public Law 95-22—H.R. 3365

Feb. 17, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 44 ayes and 1 nay.

Feb. 22, 1977—Report filed. H. Rept. 95–23.

Mar. 1, 1977—House passed by a yea-and-nay vote of 401 yeas to 4 nays, with 5 voting "present."

Mar. 1, 1977—Senate passed, striking all after the enacting clause and inserting in lieu thereof text of S. 756. Senate insisted on its amendment, requested conference with the House and appointed conferees.

Mar. 2, 1977—House disagreed to the Senate amendments, agreed to conference, and appointed conferees.

Apr. 4, 1977—Conference report filed. H. Rept. 95–160.

Apr. 4, 1977—Senate passed conference report by voice vote.

Apr. 5, 1977—House agreed to the conference report, receded from its disagreement to the Senate amendment to the title of the bill, and concurred therein.

Apr. 19, 1977—Signed by President. Public Law 95–22.

Extends Regulation Q until December 15, 1977.

Extends authority of Federal Reserve banks to purchase United States obligations directly from the Treasury until August 31, 1977.

Provides for the modernization of the Federal Credit Union Act by—

Making loans, the maturities of which shall not exceed 12 years except as otherwise provided in the Act and extending lines of credit to its members, to other credit unions, and to credit union organizations and to participate with other credit unions, credit union organizations, or financial organizations in making loans to credit union members in accordance with the following:

Loans to members shall be made in conformity with criteria established by the board of directors, provided that:

A residential real estate loan which is made to finance the acquisition of a one-to-four family dwelling for the principal residence of a credit union member, the sales prices for which is not more than 150 per centum of the median sales price of residential real property situated in the geographical area (as determined by the board of directors) in which the property is located, and which is secured by a first lien upon such dwelling, may have a maturity not exceeding 30 years, subject to the rules and regulations of the Administrator.

A loan to finance the purchase of a mobile home, which shall be secured by a first lien on such mobile home, to be used by the credit union member as his residence, or for the repair, alteration, or improvement of a residential dwelling which is the residence of a credit union member shall have a maturity not to exceed 15 years unless such loan is insured or guaranteed.

A loan secured by the insurance or guarantee of the Federal Government, of a State government, or any agency of either may be made for the maturity and under the terms and conditions specified in the law under which such insurance or guarantee is provided.

A loan or aggregate of loans to a director or member of the supervisory or credit committee of the credit union making the loan which exceeds $5,000 plus pledged shares, to be approved by the board of directors.

Loans to other members for which directors or members of the supervisory or credit committee act as guarantor or endorser to be approved by the board of directors when such loan standing alone or when added to outstanding loan or loans of the guarantor or endorser exceeds $5,000.

The rate of interest not to exceed 1 per centum per month on the unpaid balance inclusive of all service charges.

Restating in proper sequence of redraft the usurious collection penalty.

Loans to be paid or amortized in accordance with rules and regulations prescribed by the Administrator.

Self-replenishing line of credit to a borrower may be established to a stated maximum amount, which may not be the same to all borrowers.

Loans to other credit unions to be approved by board of directors.

Loans to credit union organizations to be approved by board of directors and shall not exceed 1 per centum of the paid-in and unimpaired capital and surplus of the credit union.

Participation loans with other credit unions, credit union organizations, or financial organizations to be in accordance with written policies of the board of directors.

To receive payments on shares which may be issued at varying dividend rates, and payments on share certificates which may be issued at varying dividend rates and maturities.

Permits investment of up to 3 per centum of the total paid-in and unimpaired capital and surplus of the credit union, with the approval of the Administrator.

Permits Federal credit unions to purchase, sell or discount or otherwise receive or dispose of any eligible obligations of its members.

Permits credit unions to sell all or part of its assets or to purchase all or part of the assets of another credit union and to assume the liabilities of another credit union or its members.

Establishes a two-tier regular reserve formula by permitting Federal credit unions with assets of more than $500,000 that have been in operation for more than 4 years, to use a different reserve formula.

Allows the Administrator to remove any director, officer, or committee member of a Federal credit union due to "dishonesty or unfitness."

Authorizes board of directors to declare dividends to be paid at different rates on different types of shares and at different rates and maturity dates in the case of share certificates.

MARIAN ANDERSON GOLD MEDAL

Public Law 95-9—H.J. Res. 132

Feb. 23, 1977—Subcommittee on Historic Preservation and Coinage ordered favorably reported by unanimous consent.

Feb. 23, 1977—Passed House by a yea-and-nay vote of 398 yeas to 4 nays with 1 voting "present."

Feb. 24, 1977—Passed Senate, by voice vote.

Mar. 8, 1977—Signed by the President. Public Law 95-9.

This resolution provides that in recognition of the distinguished and impressive career of Miss Marian Anderson, especially her promotion of the arts, contributions to the cause of world peace, and her unstinting efforts on the behalf of the brotherhood of man, the President of the United States, or his delegate, is authorized to award to Marian Anderson, in the name of the Congress, an appropriate gold medal. The Secretary of the Treasury is authorized and directed to cause to be struck a gold medal with suitable emblems and inscriptions to be determined by the Secretary.

The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used for carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

There is authorized to be appropriated the sum of $25,000 to carry out the purposes of this resolution.

The gold medal and the bronze duplicates are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368).

SUPPLEMENTAL HOUSING AUTHORIZATION ACT OF 1977

Public Law 95-24—H.R. 3843

Mar. 1, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 39 ayes to 5 nays.

Mar. 4, 1977—Report filed. H. Rept. 95-42.

Mar. 10, 1977—Passed House by a yea-and-nay vote of 380 yeas to 30 nays.

Mar. 14, 1977—Senate ordered held at desk.

Apr. 5, 1977—Senate vitiated its action of April 4, when it passed S. 1070, and by voice vote, passed H.R. 3843, amended.

Apr. 6, 1977—House disagreed to the amendment of the Senate, asked for a conference, and appointed conferees.

Apr. 20, 1977—Senate insisted on its amendment, agreed to conference, and appointed conferees.

Apr. 25, 1977—Conference report filed. H. Rept. 95-221.

Apr. 26, 1977—Senate agreed to conference report, by voice vote.

Apr. 28, 1977—House agreed to conference report by a yea-and-nay vote of 355 yeas to 47 nays.

Apr. 30, 1977—Signed by the President. Public Law 95–24. (For Senate action, see S. 1070 in Public Bills section.

The Supplemental Housing Authorization Act of 1977 contains a $378.05 million increase in the amount of annual contributions contract authority authorized, subject to release in an appropriation Act, for the current fiscal year for the Sec. 8. housing assistance payments and public housing programs. Additionally, the Act contains increased appropriations authority for operating subsidies for public housing in the current fiscal year and for losses incurred by the FHA General Insurance Fund. It also provides an extension of program authority and an authorization to continue policies in force for the Federal riot reinsurance and crime insurance programs, and provisions simplifying and clarifying the criteria for participation in certain insured housing programs.

The new law also establishes a National Commission on Neighborhoods, responsible for a comprehensive 1-year study of the factors that have contributed to the decline of neighborhoods and the steps necessary to assure their survival and revitalization.

The law affects:

The Section 8 housing assistance payments and public housing programs;

FHA insured housing programs, including Sec. 220 (rehabilitation and neighborhood conservation housing insurance) and Sec. 221(d)(4) (housing for moderate income and displaced families);

urban homesteading demonstration program;

riot reinsurance and crime insurance programs; and

a new examination of neighborhood decline; and the means available to revitalize neighborhoods.

In summary, the measure provides the following:

Public housing and section 8 amendments

Additional Contract Authority.—An additional $378.05 million of annual contributions contract authority is authorized, subject to release in an appropriation Act, for the current fiscal year for the Sec. 8 housing assistance payments and public housing programs. The authorization for oppropriations for operating subsidies for public housing projects is also increased (from $576 million to $595.6 million) for the current fiscal year.

Contract Term for Section 8 Housing.—For privately financed and insured Sec. 8 new or substantially rehabilitated housing, the maximum contract term for Sec. 8 housing assistance payments is increased from 20 years to 30 years.

Urban homesteading

Increased Funding.—A $10 million increase in funding for the current fiscal year (to a total of $15 million) is authorized for the urban homesteading demonstration program. Under this program, unoccupied residential property may be transferred to State or local public bodies for sale at nominal costs to families who will occupy the property and improve it.

FHA general insurance fund

Increased Authorization.—The authorization for appropriations for losses incurred by the FHA General Insurance Fund is increased from the current $500 million limit to $1.341 billion.

Riot reinsurance and crime insurance

Extension of the Program.—The basic riot reinsurance and crime insurance program authority is extened from Apr. 30, 1977 to Sept. 30, 1978.

Policies Continued in Force.—Riot reinsurance and crime insurance policies in force before Apr. 30, 1978 are authorized to be continued in force until Sept. 30, 1981.

Liquidation Plan for Insurance Program.—The date upon which the Secretary of Housing and Urban Development is required to submit a plan for the liquidation and termination of riot reinsurance and crime insurance programs is extended from Apr. 30, 1978 to Sept. 30, 1978.

Modification of workable program requirements

Deletion of Requirement for Section 220 Housing.—The requirement that a community have a workable program for community improvement before mortgages can be issued under Sec. 220 of the National Housing Act has been removed. This provision will make it easier to propose eligible housing projects in urban renewal areas and in other areas where the workable program requirement has been a significant obstacle.

Clarification of eligibility for section 221(d)(4)

Participation by Public Bodies or Non-Profit Entities.—A change in the law makes clear that a mortgagor which is a public body, a cooperative, a limited dividend corporation or a private non-profit corporation or association may participate in development of insured housing for low and moderate income families under Sec. 221(d)(4) of the National Housing Act.

National Commission on Neighborhoods

Creation of the Commission.—The law creates a new 20-member Commission with responsibility to undertake a 1-year study of the factors that contribute to the decline of neighborhoods and the steps necessary for their survival and revitalization.

Report to the Congress and the President. The Commission will report its findings and recommendations for legislative and administrative action to the Congress and President within 1 year after funds become available for the Commission's operations.

FAIR DEBT COLLECTION PRACTICES ACT

Public Law 95-109—H.R. 5294

Mar. 24, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 35 ayes to 8 nays.

Mar. 29, 1977—Report filed. H. Rept. 95-131.

April 4, 1977—Passed House by yea-and-nay vote of 200 yeas to 198 nays.

Apr. 6, 1977—Referred to Senate Committee on Banking, Housing and Urban Affairs.
July 26, 1977—Senate Committee ordered favorably reported, amended.
Aug. 2, 1977—Report filed, S. Rept. 95–382.
Aug. 5, 1977—Senate passed, amended, by voice vote.
Sept. 8, 1977—House agreed to Senate amendment, by voice vote.
Sept. 20, 1977—Signed by the President. Public Law 95–109.

H.R. 5294 would prohibit abusive and harassing practices by debt collectors.

A. Prohibited practices

1. There is a general rule against harassing or intimidating any person followed by specified examples that include:

use of violence or other criminal means to harm the physical person, reputation, or property of any person

making harassing or threatening phone calls or visits to a consumer at home or work

2. There is a general rule against making any false or misleading representations followed by specified examples that include:

false representation that a debt collector is acting for or on behalf of the United States Government or any State government

false representation that any individual is an attorney

threatening to take any action that cannot legally be taken or that is not intended to be taken

3. There is a prohibition against certain unfair debt collection practices such as soliciting postdated checks for the purpose of threatening criminal action.

4. There is a prohibition against any person furnishing certain debt collection related forms if that person has reason to know the forms will probably be used to deceive consumers as to the source of the collection effort.

5. In legal actions, debt collectors are limited as to where they may bring suit, how process may be served, and how they may utilize certain public employees in connection with debt collection.

6. There are strict but fair limits to debt collectors' contacts with a consumer, the consumer's spouse, employer or other third parties.

7. Debt collectors may acquire information to locate a consumer, but only under certain circumstances.

8. Debt collectors are required to validate a debt if the consumer disputes it in writing.

B. Liability

1. There are civil remedies that are consistent with the Consumer Credit Protection Act.

2. There is criminal liability for willful and knowing violation of the bill (consistent with the Consumer Credit Protection Act).

INTERNATIONAL FINANCIAL INSTITUTIONS

Public Law 95–118—H.R. 5262

Mar. 29, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 35 ayes to 7 nays.

Mar. 31, 1977—Report filed. H. Rept. 95–154.
Apr. 6, 1977—Passed House by a yea-and-nay vote of 194 yeas to 156 nays.
Apr. 7, 1977—Referred to Senate Committee on Foreign Relations.
May 13, 1977—Report filed. S. Rept. 95–159.
June 14, 1977—Passed Senate by a vote of 59 yeas to 30 nays, amended. Senate requested a conference with the House and appointed conferees.
June 16, 1977—House disagreed to the amendments of the Senate and agreed to a conference. Pending is a motion to instruct the managers of the conference on the part of the House to insist on certain House language.
June 17, 1977—By a yea-and-nay vote of 161 yeas to 200 nays, the House rejected a motion that the House instruct its conferees to insist on its language regarding the forbidding of loans to nations violating internationally recognized human rights. The House appointed conferees.
July 26, 1977—Conference report filed. S. Rept. 95–563.
July 27, 1977—Senate agreed to conference report by voice vote.
July 28, 1977—Conference report filed. H. Rept. 95–544.
Sept. 16, 1977—By a yea-and-nay vote of 153 yeas to 230 nays, the House rejected the conference report. Subsequently, the House receded from its disagreement and concurred in the Senate amendment with an amendment and returned to the Senate.
Sept. 21, 1977—Senate agreed to the House amendment.
Oct. 3, 1977—Signed by the President. Public Law 95–118.

Authorizations

1. African Development Fund—$50,000,000.
2. World Bank—$1,570,000,000.
3. International Development Association—$2,400,000,000.
4. International Finance Corporation—$111,000,000.
5. Asian Development Bank—$814,000,000.
6. Asian Development Fund—$180,000,000.

Policy Guidance

(1) *Human rights.*—Directs U.S. Executive Directors in international financial institutions to oppose assistance to nations violating human rights unless the President certifies that other means would more effectively serve the cause of human rights.

(2) *Farm products.*—Requires U.S. officials to oppose loans to establish or expand production of palm oil, sugar or citrus corps, if the United States is a competing producer in such commodities.

(3) *Nuclear weapons.*—Repeal previous requirements that required the U.S. Director of IDA to vote against loans to countries having nuclear weapons, unless such countries are parties to the nonproliferation agreement.

(4) *Salaries.*—Directs the United States to take appropriate actions to maintain IFI employee salaries and benefits at levels comparable to U.S. private or official salaries.

(5) *Participation levels.*—States the sense of Congress that U.S. participation in IFI's should be limited to 25 percent of the aggregate contributions to such institutions.

(6) *Indo-China.*—Directs U.S. officials to consider loan proposals for Vietnam, Laos, and Cambodia in light of the responsiveness of those countries in providing accounting of Americans missing-in-action.

EARNINGS ON TAX AND LOAN ACCOUNTS

Public Law 95-147—H.R. 5675

Mar. 29, 1977—Full Committee ordered favorably reported by voice vote.

Apr. 4, 1977—Report filed. H. Rept. 95-159, Part I.

Apr. 25, 1977—Passed House by a yea-and-nay vote of 384 yeas with 1 voting "present."

Apr. 26, 1977—Referred jointly to the Senate Committees on Banking Housing, and Urban Affairs and Finance.

Sept. 23, 1977—Report filed by Senate Banking Committee. S. Rept. 95-450.

Oct. 11, 1977—Passed Senate, amended, by voice vote.

Oct. 14, 1977—By voice vote the House agreed to the amendment of the Senate.

Oct. 28, 1977—Signed by the President. Public Law 95-147.

Authorizes the Secretary of the Treasury, for cash management purposes, to invest any portion of the Treasury's operating cash for periods up to 90 days in (1) obligations of depositories maintaining Treasury tax and loan accounts secured by a pledge of collateral acceptable to the Secretary as security for tax and loan accounts, and (2) obligations of the United States and of agencies of the United States.

Amends the Home Owner's Loan Act to authorize the Secretary of the Treasury to deposit public money in any federal savings and loan association or member of a federal home loan bank.

Amends the National Housing Act to make institutions insured by the Federal Savings and Loan Insurance Corporation depositories of public money.

Amends the Internal Revenue Code to define qualified savings and loan associations which may receive tax payments.

HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1977

Public Law 95-128—H.R. 6655

H.R. 6655

Apr. 28, 1977—Full Commitee ordered favorably reported by roll call vote of 31 ayes to 3 nays.

May 2, 1977—Report filed. H.Rept. 95-236.

May 11, 1977—By a yea-and-nay vote of 369 yeas to 20 nays, the House passed H.R. 6655.

May 13, 1977—Referred to the Senate Committee on Banking, Housing, and Urban Affairs.

June 7, 1977—Senate passed, by a vote of 79 yeas to 7 nays, after striking all after the enacting clause and inserting in lieu thereof text of S. 1523.

June 16, 1977—House disagreed to the amendment of the Senate, asked for a conference and appointed conferees.

June 22, 1977—Senate insisted on its amendment, agreed to a conference with the House, and appointed conferees.
Sept. 26, 1977—Conference report filed. H.Rept. 95–634.
Oct. 1, 1977—Senate passed by yea-and-nay vote of 54 yeas to 19 nays.
Oct. 4, 1977—House passed by yea-and-nay vote of 384 yeas to 26 nays.
Oct. 12, 1977—Signed by the President. Public Law 95–128.

S. 1523

May 16, 1977—Report filed. S. 95–175.
June 7, 1977—Senate Banking Committee discharged from the further consideration of H.R. 6655, and by 79 yeas to 7 nays, the bill was passed, amended. S. 1523 was indefinitely postponed.

Title I of Public Law 95–128 reauthorizes the basic Community Development Block Grant Program for a three-year period and authorizes appropriations for that program of not to exceed $3.5 billion, $3.65 billion and $3.8 billion for fiscal years 1978, 1979 and 1980 respectively. In addition, for each of fiscal years 1978, 1979 and 1980, appropriations of $100 million are authorized for the financial settlement, and to the extent feasible, the completion of projects assisted under the categorical programs, and appropriations of $400 million are authorized for the Urban Development Action Grant (UDAG) Program. If amounts appropriated for these three programs are less than the total amounts authorized for these programs, the sums available will be used to fund, up to the full authorized level in any fiscal year, the basic program, then the Financial Settlement Fund, and last, the UDOG program. The new law also allocates $350 million, $265 million and $250 million from appropriations for fiscal years 1978, 1979 and 1980, respectively for hold-harmless and non-entitlement communities in SMSAs. Of these amounts, not more than $175 million and $25 million may be used for hold-harmless purposes in fiscal years 1978 and 1979, respectively.

The new law adds, as a specific block grant objective, the alleviation of physical and economic distress through the stimulation of private investment and comunity revitalization in areas with population outmigration or a stagnating or declining tax base. It also specifies that the block grant purpose of fostering coordinated and mutually supportive housing and community development activties is to be by Federal agencies and programs, as well as by communities.

Under the new law, towns or townships are deemed "cities" for block grant purposes if "incorporated places" within their boundaries have entered into agreements with them to undertake or to assist in the undertaking of essential community development and housing assistance activities. In addition, a city which is a "metropolitan city," because it has a population of at least 50,000, remains so until the decennial census indicates that its population is below 50,000. Under the new law, "urban counties" must notify, prior to a date set by the HUD Secretary, any such incorporated unit of government whose population is included in the county population of its opportunity to have its population excluded. If a unit of government does not elect to have its population so excluded, it will be counted in the county population until it elects to exclude its population by notifying the county, on or before a date set by the Secretary. Moreover, a county is considered an "urban county" for block grant purposes if, in addition to meeting the powers test contained in existing law, the county has a population in excess of 100,000, a population density of at least

5,000 persons per square mile and contains within its boundaries no incorporated places.

Several requirements affecting the applications for community development funds have been changed by the Act. The summary of the three-year community development plan required to be included in block grant applications must identify housing, as well as community development needs. The program description of community facilities and public improvements must insure full opportunity for participation by, and benefits to, the handicapped. The application should describe a program to improve conditions for low, and moderate-income persons residing or expected to reside in the community and to foster neighborhood development in order to induce higher-income persons to remain in, or return to, the community.

The new law restates and adds to the required elements of citizen participation. An applicant must provide satisfactory assurances that, prior to submission of its application, it has: prepared and followed a written citizen participation plan; provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important requirements; and held public hearings to obtain the views of citizens on community development and housing needs. In addition, the applicant must provide citizens an opportunity to submit comments concerning the applicant's community development performance, and these comments must be included in the grantee's annual performance report concerning activities carried out with block grant funds. The Secretary is directed to consider such comments, as well as the views of other citizens and other available information, in carrying out the Secretary's audit and review responsibilities set out in Section 104(d) of the Housing and Community Development Act of 1974.

The new law permits the Secretary to waive certain block grant application requirements for communities under 25,000 population located outside urbanized areas where the application does not involve a comprehensive community development program, as determined by the Secretary. The Secretary is also authorized to adjust, reduce, or withdraw grants made from the metropolitan and nonmetropolitan discretionary balances or to take other action with respect to such grants as appropriate in accordance with the reviews and audits conducted under Section 104(d) of the 1974 Act, except that funds already expended on eligible block grant activities cannot be recaptured or deducted from future grants made to the recipient. In addition, the Secretary is authorized, in connection with areawide agency review of and comment on block grant applications, to provide an opportunity for a State to participate in the selection process for funding discretionary grants to localities within the State. Such participation may include, as determined practicable by the Secretary, the incorporation of State growth and resource coordination policies in funding decisions on such grants, or such other arrangements, excluding administration of discretionary grants, as the Secretary deems appropriate.

HUD is required to permit, on a case-by-case basis, grant recipients to draw down, in one payment, amounts designated in the grant application and approved by the Secretary for the establishment in a private financial institution of a revolving loan fund to finance rehabilitation activities described in the community development program. Rehabilitation activities must begin within 45 days of payment by HUD. HUD is to establish standards to assure that amounts deposited result in appropriate benefits in support of the recipient's rehabilitation program, including at a minimum one or more of the following elements (or such other criteria as HUD determines) : leverage of block grant funds so that participating financial institutions commit private funds for loans in the rehabilitation program in amounts substantially in excess of block grant deposits; commitment of private funds for rehabilitation loans at below-market interest rates or with repayment periods lengthened or at higher risk than would normally be taken; provision of administrative services in support of the rehabilitation program by the participating lending institution; and provision that interest earned on deposits be used in a manner which supports the community's rehabilitation program.

Housing Assistance Plans submitted as a part of block grant applications, in addition to the content required by previous law, must: identify housing stock which is in a deteriorated condition; specify a realistic annual goal for the number of lower-income persons to be assisted; in the case of annual goals for subsidized rehabilitation, make adequate provision to assure that a preponderance of persons assisted should be of low- and moderate-income; and in indicating the general locations of proposed housing for lower-income persons, include as objectives the restoration and rehabilitation of stable neighborhoods to the maximum extent possible and the reclamation of housing stock where feasible through the use of a broad range of techniques for restoration, including provision of a reasonable opportunity for tenants displaced as a result of reclamation activities to relocate in their immediate neighborhoods.

Block grant applicants must certify, among other things, that their community development programs have been developed to give maximum feasible priority to activities benefiting low- *and* moderate-income families instead of low- *or* moderate-income families as required under prior law.

The new law requires that an application setting forth community development needs having a "particular urgency" have such urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available. The new law adds, as a basis for disapproval of block grant applications, noncompliance with the requirements of the block grant program "with specific regard to the primary purposes of principally benefiting persons of low and moderate income or aiding in the prevention or elimination of slums or blight or meeting other community development needs having a particular urgency." Applicants must include, as part of the required statement of resources other than block grants which are expected to be made available to meet identified needs, activities designed to revitalize neighborhoods for the benefit of low- and moderate-income persons.

The new law amends the requirements for eligible block grant activities so that they must consist of activities which assist in carrying out a comprehensive strategy for meeting the community development and housing needs and priorities identified in the application, giving primary attention to activities benefiting low- and moderate-income persons and neighborhoods, aiding in the prevention or elimination of slums or blight, or meeting other community development needs having a particular urgency.

The new law specifically permits block grant recipients to provide financial assistance to private entities to acquire for rehabilitation, and to rehabilitate, privately owned properties. It also removes the requirement that the rehabilitation of privately owned properties be "incidental to other activities."

The new law removes economic development as an eligible supportive public service activity under sec. 105(a)(8) of the Housing and Community Development Act of 1974. However, the new law adds, as an eligible use of Title I assistance, grants to neighborhood-based nonprofit organizations, local development corporations or Small Business Investment Companies to carry out a neighborhood revitalization or community economic development project in furtherance of block grant objectives. It also adds a new paragraph to sec. 105(a) making eligible for block grant funding activities which are carried out by public or private nonprofit entities and are appropriate to meeting the needs and objectives of a recipient's community development plan, including: acquisition of real property; acquisition, construction, reconstruction, rehabilitation, or installation of (i) public facilities, site improvements and utilities, and (ii) commercial or industrial buildings or structures and other commercial or industrial real property improvements; and planning. Block grant funds cannot be used for public services if such services were provided by the recipient, through funds raised by the recipient or provided by the State in which it is located, within 12 months preceding the application, unless HUD finds that their discontinuation was due to events not within the applicant's control.

The Act creates a dual formula to determine the allocation of block grants to metropolitan cities and urban counties so that cities and counties are entitled to receive a formula amount equaling the greater of amounts calculated under the present formula or a second formula, using factors of growth lag, poverty and age of housing, weighted .20, .30 and .50, respectively. "Age of housing" means the number of existing housing units constructed before 1940, based on census data. "Extent of growth lag" means the difference between the current population of a metropolitan city or urban county and the population it would have had if its population growth rate between 1960 and the date of the most recent population count had been equal to the growth rate of all metropoltian cities over the same period.

Basic grant phase-in provisions are limited to funds approved for distribution to metropolitan cities and urban counties in fiscal years 1975, 1976 and 1977. The effect is that *all* formula entitlement communities will receive full formula amounts in fiscal 1978 and thereafter. The new law retains provisions in the 1974 Act respecting the phase-down of hold-harmless funding: i.e., recipients will receive two-thirds of the excess of hold-harmless over formula entitlement in fiscal year 1978 and one-third in fiscal year 1979, with no hold-harmless amounts provided in fiscal year 1980. Under the new law, however, hold-harmless phases down against the higher of amounts computed under the present or the new formula. The new law requires exclusion of units of general local government and Indian tribes which "are entitled to" ("receive," under prior law) hold-harmless grants from computations to determine urban county basic grant amounts, and discretionary grant allocations for metropolitan and nonmetropolitan areas.

The new law provides for the allocation of the discretionary balance for metropolitan areas on a State-by-State basis instead of for each metropolitan area as provided by prior law. The Act also provides for the allocation of the SMSA and non-SMSA discretionary balances according to a dual formula, with allocations being the higher of amounts determined under the existing allocation formula or a second formula, using as factors age of housing (weighted .5), extent of poverty (weighted .3) and population (weighted .2). The Secretary is required to make pro rata reductions of allocations to compensate for any difference between the total to be allocated and the total amounts available.

The Secretary is authorized to make multi-year grant commitments, for periods up to three years, to smaller localities within and outside SMSA's having comprehensive community development programs with provision for lower-income housing, subject only to the availability of appropriations. In making such commitments, the Secretary must give special consideration to smaller, holdharmless communities presently carrying out comprehensive community development programs before making new commitments. The Secretary is required to establish for commitment localities an annual amount which is meaningful in relation to the community's size and proposed program, and to consider such factors as the locality's engaging in economic redevelopment activities, past performance in community development activities, prior and present block grant funding levels, function as a regional center of economic development and activity, potential for having increased employment as a result of community development activity, physical and economic deterioration, age of housing stock, extent of poverty, impact on the locality's growth of national policy or direct Federal program decisions, the extent to which the locality's activity or program of activities is necessary to alleviate a serious threat to health or safety, the capacity of the locality to carry out such programs, and any other factors deemed by the Secretary to be relevant to carry out the purposes of the block grant program. The Secretary is also required to distribute discretionary funds to ensure that a reasonable proportion of grants is available to localities not seeking funding for comprehensive community development programs.

The Secretary of Housing and Urban Development is directed to conduct a study, and to report to the President and the Congress within one year after the date of enactment of the Act with recommendations on the formation of a national policy on the developmental needs of small cities. In carrying out the study, the Secretary is directed to: take steps to improve the data available about small cities; suggest means of reducing the duplication in government programs in jurisdictions which affect small cities; and consider all relevant differences and similarities between small and large cities, particularly in the areas of housing, growth, development patterns, infrastructure, education, energy needs and social development. In addition, the report is to include alternative verifiable formulae to be used in the distribution of block grant funds available for allocation to small cities. "Small cities," for purposes of the study, are defined as cities which are not entitled to annual grants under Title I of the Housing and Community Development Act of 1974.

The new law removes the requirement that funds which were not likely to be fully obligated be reallocated during the same program period in which they are allocated. It also requires the Secretary to reallocate funds which are determined not likely to be fully obligated "within a reasonable time." The Secretary is authorized to determine the date by which a smaller community must indicate whether it will waive its hold-harmless entitlement. Prior law required waivers to be made not later than 30 days prior to the beginning of any program period. The provision also expressly authorizes single-year waivers. If the total amount available for distribution under Sec. 106 of the 1974 Act in fiscal years 1978 or 1979 is insufficient to meet all basic grant and hold-harmless needs, and funds are not otherwise appropriated to meet the deficiency, the Secretary is to make up the shortfall through a pro rata reduction in all entitlement and discretionary amounts, including amounts set aside for the SMSA balance.

The Secretary's Discretionary Fund is amended in several ways and is extended through fiscal year 1980. The percentage of block grant appropriations to be set aside for the Fund is increased from 2 percent to 3 percent. The new law provides for the discretionary funding of Indian tribes solely from the Secretary's Discretionary Fund. Indian tribes also qualify for grants from the Fund to meet emergency community development needs caused by federally-recognized disasters. The Secretary is authorized to waive, in connection with grants to Indian tribes, the nondiscrimination and labor standards requirements set out in sections 109 and 110 of the 1974 act, but grants may not be made to a tribe unless satisfactory assurances are provided that its program will be conducted in conformity with Title II of Public Law 90–284, which contains civil rights safeguards applicable to tribal affairs. The new law also includes "Alaskan Native Villages" in the listing of entities which may be deemed "Indian tribes," and adds the requirement that only tribal entities which are considered eligible recipients under the Indian Self-Determination and Education Assistance Act, or under General Revenue Sharing, are to be considered "Indian tribes" under the block grant program. The new law makes States, units of local government, Indian tribes, and area-wide planning organizations eligible for grants from the Discretionary Fund for the purpose of providing technical assistance. The Secretary may also provide such technical assistance directly or through contracts. The new law reduces from 25 percent to 15 percent the percentage of amounts set aside in the Discretionary Fund for each year which may be used for grants to meet emergency community development needs caused by federally-recognized disasters.

In addition, the new law makes several changes in the existing sec. 108 loan guarantee authority. Guaranteed indebtedness may additionally include the rehabilitation of real property owned by the block grant recipients. The requirement that the real property to be acquired serve or be used in carrying out eligible block grant activities which are identified in the community development application and are the subject of block grants is eliminated. The prohibition against a guarantee in behalf of any agency designed to benefit a private individual or corporation is eliminated. The total outstanding obligations guaranteed for any locality may not exceed three times the grant amount approved under sec. 106 of the 1974 act for such locality. Block grants (including program income derived therefrom) are specifically authorized for use in the payment of principal and interest (including such other costs as HUD may prescribe) on guaranteed obligations. The security requirements which localities were required to meet in order to obtain guarantees under prior law are replaced with requirements that the locality: enter into a contract for repayment of guaranteed obligations: pledge any grant approved or for which the locality may become eligible under the block grant program; and furnish, at the Secretary's discretion, such other security as HUD deems appropriate, including increments in local tax receipts generated by activities assisted under the block grant program or disposition proceeds from the sale of land or rehabilitated property. Guaranteed obligations are required to be taxable (prior law permitted guaranteed obligations to be taxable or tax exempt at the option of the issuer). The amount of grants which the Secretary is authorized to make to defray interest costs on guaranteed obligations must be approved in appropriation acts. Finally, the total amount of outstanding obligations guaranteed on a cumulative basis is limited to $3.5 billion, or such higher amount as may be authorized to be appropriated pursuant to sec. 106 and 107 of the 1974 act for any fiscal year.

The new law requires the Secretary, not later than Sept. 30, 1978, to report to the Congress with respect to the adequacy, effectiveness and equity of the formula used for allocation of block grant funds, with specific analysis and recommendation as to the feasibility of using factors of impaction (such as adjusted age of housing and extent of poverty) as a measurement consideration and of using a single formula based on the current factors or others, including regional or area differences in income and cost of living.

The new law establishes an Urban Development Action Program as a major new initiative for the Nation's distressed urban areas. Under this program, the Secretary is authorized to make urban development action grants from amounts approved in appropriations Acts to severely distressed cities and urban countries to help alleviate physical and economic deterioration through reclamation of neighborhoods having excessive housing abandonment or deterioration, and through community revitalization in areas of population outmigration or stagnating or declining tax base. These grants are in addition to other forms of Federal assistance including assistance provided under the block grant program. They are designed to take advantage of unique opportunities to attract and leverage private investment into severely distressed communities. The Secretary will establish by regulation eligibility criteria which assure that action grants are made only to cities and urban counties that have demonstrated results in providing housing for persons of low- and moderate-income and in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups and which set forth minimum standards for determining the level of physical and economic distress of cities and urban counties for action grant eligibility, taking into account factors such as the age and condition of housing stock (including residential abandonment), average income, population outmigration, and stagnating or declining tax base.

Applications for urban development action grants must: include documentation of eligibility for grants in accordance with criteria prescribed by the Secretary; describe a concentrated Urban Developmnt Action Program, setting forth a comprehensive action plan and strategy to alleviate physical and economic distress through systematic change; include the activities to be undertaken in the Program, together with their estimated costs and general locations; indicate public and private resources which are expected to be made available toward achieving the action plan and strategy described above; provide satisfactory assurances, prior to application submission, that the applicant has met specific citizen participation requirements similar to those required for applicants for block grants; and meet the application requirements contained in sec. 104(a) of the 1974 Act.

The Urban Development Action Program must be consistent with the Community Development Program described in sec. 104(a)(2) of the 1974 Act, the HAP described in sec. 104(a)(4) of the Act, and where it exists and is in effect, the overall economic development plan (OEDP) as provided for in sec. 202(b)(10) of the Public Works and Economic Development Act of 1965, but only in the event and after such times as the OEDPs are required to be consistent with Community Development Programs. It also must be developed so as to take advantage of unique opportunities to attract private investment, stimulate investment in restoration of deteriorated or abandoned housing stock, or solve critical problems resulting from population outmigration or stagnating or declining tax base. To the extent that the HAP application requirements have been satisfied in connection with a block grant, such requirements are deemed met for action grant purposes.

The Secretary will establish selection criteria, which must include: as the primary criterion, the comparative degree of physical and economic distress among applicants, as measured (in the case of a metropolitan city or urban county) by the differences in the extent of growth lag, the extent of poverty, and the adjusted age of housing in the metropolitan city or urban county; other factors determined to be relevant by the Secretary in assessing the comparative degree of physical and economic deterioration in cities and urban counties; and at least the following other criteria: demonstrated performance of the city or urban county in housing and community development programs; impact of the proposed Urban Development Action Program on the special problems of low- and moderate-income persons and minorities; extent of financial participation by other public or by private entities; extent of assistance to be made available by the State; impact on the physical, fiscal, or economic deterioration of the city or urban county; extent to which the Program describes activities representing a special or unique opportunity to meet local priority needs or block grant objectives; and feasibility of accomplishing the Program in a timely fashion within the grant amount available.

Urban development action grants are not limited to activities otherwise eligible under the block grant program, but may include such additional community development and neighborhood development and conservation activities as HUD determines to be consistent with action grant purposes. Action grants may not be used for business loans or industrial development, unless the Secretary first consults with and coordinates such assistance with other Federal agencies which make funds available for similar activities. In addition, action grants may not be used for projects intended to facilitate the relocation of industrial or commercial plants or facilities, unless HUD finds that the relocation does not significantly and adversely affect the unemployment or economic base of the area whence the relocation is proposed. The Secretary is required to allocate action grants so as to achieve a reasonable balance among programs designed primarily to restore seriously deteriorated neighborhoods, to reclaim for industrial purposes underutilized real property, and to renew commercial employment centers. Not less than 25 percent of action grants must be used for cities under 50,000 population which are not SMSA central cities.

The Secretary is required, at least on an annual basis, to review and audit action grant recipients to determine the progress made in carrying out activities substantially in accord with approved plans and timetables. HUD may adjust, reduce or withdraw grants and take other appropriate action based on reviews and audits, except that funds expended on eligible activities may not be recaptured or deducted from future grants. The reports submitted to Congress under the block grant program must contain a listing of each unit of government receiving, and amounts of, action grants, as well as a brief summary of the projects funded, the extent of financial participation by other public or private entities, and the impact on employment and economic activity of such projects during the previous fiscal year.

The sec. 312 rehabilitation loan program is extended for 2 years, the maximum loan amount is increased to $27,000 per dwelling unit and $60 million is authorized for fiscal year 1978. $75 million is authorized for fiscal year 1978 for comprehensive planning grants.

Title II of the act authorizes appropriations of a total of $1,159,995,000 in additional annual contribution contract authority for the public housing and sec. 8 programs for fiscal 1978. Not less than $42.5 million of those funds is set aside for the modernization of traditional public housing projects, not less than $120 million is set aside for sec. 202 projects for the elderly and handicapped, and at least $197,139,200 must be reserved for low-income housing projects permanently financed by State housing finance or State development agencies. $685 million is authorized for public housing operating subsidies.

The sec. 8 program is amended in several ways: high-rise elevator years, the maximum loan amount is increased to $27,000 per dwelltical alternative; housing assistance payments equal to the debt service attributable to a sec. 8 dwelling unit which is unoccupied beyond 60 days may be continued for 1 year whether or not the unit is in an FHA-insured project; a public housing agency may, with the approval of the Secretary, contract to assume the management and maintenance responsibilities for sec. 8 units; and regulations are to be amended to improve the coordination and processing requirements for projects receiving assistance from both the sec. 8 and sec. 202 programs.

HUD is to study the payments that are authorized by the United States Housing Act of 1937 and are made in lieu of State or local property taxes by public housing agencies and report to Congress within a year on the status and adequacy of these payments.

Renewal rights of any owner under a sec. 23 lease are specifically preserved to the maximum term permitted by law. The authorization of appropriations for the urban homesteading demonstration program is increased to $15 million for fiscal year 1978 and the authorization of appropriations for HUD's research and development activities is not to exceed $60 million for the same year. Families who are members of a cooperative association operating a housing project insured under sec. 221(d)(3) of the National Housing Act are made eligible for sec. 235 assistance.

Sec. 236 operating subsidy program is amended so that: the Secretary of HUD is directed to make section 236 operating subsidy payments to the extent of funds authorized in appropriation Acts and funds available in the reserve fund; subsidy payments are to be made to cover increases in utility costs and local property taxes that are in excess of the initial operating level established for the project expense; subsidy payments are to be used to reduce the basic rental charges established in the project; initial operating expense levels are to be established within 180 days of enactment for projects covered by contracts for sec. 236 assistance entered into prior to enactment; contracts for these payments are to be made for a 1-year period and are to be adjusted annually; and these amendments shall be effective on Oct. 1, 1977, and shall apply prospectively.

The Secretary of HUD is to assure, to the maximum extent practicable, that funds available under various HUD programs (public housing, sec. 8, sec. 235, sec. 236, sec. 202 and rent supplement) shall be allocated according to goals described in local, State or other housing assistance plans (HAPs).

The authority of HUD to make grants to private developers and to State land development agencies for planning new community development programs is extended until Oct. 1, 1978. The Treasury Department's draw authority on the Federal Reserve Banks is reinstated and extended until Oct. 1, 1977. The Federal Reserve Banks' authority to purchase United States obligations directly from the Treasury up to a limit of $5 billion outstanding at any one time is reinstated and extended until Sept. 30, 1977.

The Secretary's authority to insure mortgages or loans under the basic HUD-FHA mortgage or loan insurance programs contained in Titles I, II, VIII, X, and XI of the National Housing Act is extended through Sept. 30, 1978. The Secretary's authority to set FHA maximum interest rates administratively to meet the market at rates above the statutory maximum of 6 percent is extended through Sept. 30, 1978.

FHA maximum insurable mortgage amounts are increased as follows: Sections 203, 220, 222 and 234—$60,000 for single-family units, $65,000 for two- and three-family units, $75,000 for four-family units; sec. 221(d)(2)—$31,000 for single-family homes ($36,000 in high-cost areas), $36,000 for single-family units for families of 5 or more ($42,000 in high-cost areas), $35,000 for two-family units ($45,000 in high-cost areas); sec. 235—$32,000 for single-family units

($38,000 in high-cost areas), $38.000 for single-family units for families of 5 or more ($44,000 in high-cost areas), $44,000 for two-family units ($49,000 in high-cost areas).

The amount of downpayment required under sections 203, 220, 222 and 234 is reduced. While the existing requirement of 3 percent of the first $25,000 of the appraised value of the dwelling is retained, the downpayment is reduced to 5 percent of the appraised value over $25,000.

The title I home improvement and mobile home loan program is amended so that: the maximum home improvement loan is $15,000; the maximum mobile home loan is $16,000 ($24,000 for two or more module mobile homes and Secretary may increase by 40 percent in Alaska, Guam or Hawaii); maturity term is increased to 15 years, 32 days, for home improvement loan and to 23 years and 32 days for loan to purchase two or more module mobile homes and a lot for that home.

HUD's sec. 245 experimental financing program is amended so that: the authority under this section is no longer limited to an experimental basis; the principal obligation (including deferred interest added to principal) is limited to 97 percent of appraised value; State restrictions on interest rates which might apply to mortgages insured under this section only because they are graduated payment mortgages are pre-empted.

After the effective date of this Act, no more than 40 percent of the units in a subdivision may be insured under sec. 235 unless the units are rehabilitated or in an established urban neighborhood where the HUD Secretary has determined they are essential to an overall community development plan.

A limited new program of sec. 203 insurance is provided for communities where widespread disclosures and distress sales are likely to result from temporarily impaired economic conditions due to pending Indian land claims. Sec. 238 of the National Housing Act is amended so that under certain conditions HUD may insure mortgages covering property located near military installations and federally-impacted areas even if conditions in the area are such that one or more of the usual eligibility requirements for mortgage insurance cannot be met. The insurance of a mortgage under this program shall be the obligation of the Special Risk Insurance Fund.

The National Housing Act is amended so that mortgage insurance premiums under sec. 203(n) for loans to finance the resale of cooperative units in FHA-insured projects need not be the same as premiums fixed for mortgages insured under other provisions of sec. 203, except that in no case may sec. 202(n) premium charges exceed 1 percent per year.

HUD authority relating to insurance for hospitals and nursing homes is amended so that: (1) no mortgage insurance premium will be charged in connection with a hospital mortgage insured under sec. 242 of the National Housing Act with respect to the amount of the principal and interest guaranteed by HEW under title VII of the Public Health Service Act which provides assistance for non-profit teaching facilities and hospitals; and (2) State agency certifications required for HUD insurance of a nursing home or other facilities under sec. 242 of the National Housing Act may be made by a State agency designated under sec. 1521 of the Public Health Service Act, as well as under sec. 604 of that Act.

Title IV changes the lending powers of Federal savings and loan associations and amends the secondary market authorities. The Home Owners' Loan Act of 1933 is amended so that Federal savings and loan associations may: (1) make construction loans in amounts not exceeding the greater of the sum of their surplus, undivided profits and reserves, or 5 percent of their assets; (2) make loans of $60,000 for single-family dwellings, and make loans in excess of $60,000 up to 20 percent of the assets of the association but only the amount of a loan in excess of $60,000 will be counted against the 20 percent of assets limitation; (3) make line of credit construction loans with respect to primarily farm real estate; and (4) make $15,000 noninsured or nonguaranteed property improvement loans. The Act removes the 20 percent of assets limitation previously required with respect to the aggregate amount of investments which may be made by Federal savings and loan associations on the security of property having more than four dwelling units, or on nonresidential property. In addition, the Federal Home Loan Bank Act is amended to provide that the dollar limitation on home mortgages which a Federal Home Loan Bank may accept as collateral security for an advance will be the same (now $60,000) as the limitation provided under the first provision in sec. 5(c) of the Home Owners' Loan Act of 1933.

The GNMA interim home purchase assistance program authorized under sec. 313 of the National Housing Act is amended so that: (1) the Secretary of HUD, to the extent feasible and consistent with the primary purpose of stabilizing housing production, is to direct GNMA to purchase mortgages in order to promote homeownership opportunities for moderate-income families; (2) GNMA may purchase mortgages executed to finance the rehabilitation or acquisition and rehabilitation of housing in older and declining neighborhoods; (3) GNMA may purchase mortgages involving an original principal obligation that does not exceed $49,000, which are assisted under sec. 8 and are located in high-cost areas; (4) GNMA may also purchase mortgages covering principal residences whose sales price does not exceed $55,000, which are receiving sec. 8 assistance and are located in high-cost areas; (5) GNMA purchases and commitments under this authority are limited to $7.5 billion during fiscal 1978; and (6) the interim authority is extended to Oct. 1, 1978.

Conventional mortgages eligible for purchase by FNMA and FHLMC may have a principal amount up to 25 percent above the mortgage limits set for savings and loan institutions under sec. 5(c) of the Home Owners' Loan Act (now $60,000). The Secretary of HUD is to review the financial operations of FNMA, to study the extent to which the activities of the corporation meet the purposes of the FNMA Charter Act and to submit the study to Congress on or before July 1, 1978.

Title V of this Act amends various provisions of the rural housing programs administered by the Farmers Home Administration. The Secretary of Agriculture's authority to make sec. 504 low-income repair loans and grants and sec. 516 domestic farm labor grants, to carry out rural housing research and studies, to insure rural rental housing loans, to make and insure single-family housing loans for low- and moderate-income families and to make mutual and self-help housing loans and grants is extended through Sept. 30, 1977. Authorization for appropriations for the sec. 504 low-income rehabilitation loan and grant program and the sec. 516 financial assistance program for domestic farm labor is increased to $105 million. The requirement that sec. 502 rural home loans contain the borrower's agreement that he will refinance the loan indebtedness through private credit sources is waived with respect to guaranteed loans. The guaranteed loan program is to be operated separately from the insured rural housing loan program and funds designated for one program may not be transferred to the other. Loans guaranteed under sec. 517 may be made only to above-moderate income borrowers. When Title V loans are made as guaranteed loans, they will bear interest rates negotiated between the borrower and lender. FmHA is authorized to allow a borrower to prepay escrow items, such as taxes and insurance, without the necessity of the Secretary of Agriculture's segregating such funds. The Secretary of Agriculture is authorized, after Oct. 1, 1977, to advance to the borrower's account such funds as may be necessary to make up for temporary deficiencies of prepayment and such advances will be charged to the borrower's account and shall bear interest. After Oct. 1, 1977, the Secretary of Agriculture may make expenditures to correct structural defects, pay the claims of owners of property arising from such defects, or acquire title to the property with respect to any dwelling unit newly constructed with FmHA financial assistance within 18 months of enactment of this Act. After Oct. 1, 1977, and as approved in appropriation Acts, such expenditures, as well as advances for prepayment items, may be paid from the Rural Housing Insurance Fund and decisions of the Secretary regarding claims for compensation are not subject to judicial review.

The Act also authorizes the Secretary of Agriculture to make farm labor housing loans and grants in Puerto Rico and the Virgin Islands to U.S. citizens or legally admitted residents of the United States, Puerto Rico, or the Virgin Islands.

The Act expands all references to elderly persons and elderly families in these FmHA programs to cover handicapped (including developmentally disabled) persons.

The Act directs the Secretary of Agriculture to establish a research capacity within the FmHA, to make and insure loans for low-income rental or cooperative housing and related facilities in multi-family projects, and to make rental assistance payments for up to 20 percent of the units in such projects, and for more than 20 percent where necessary or feasible. The Act explicitly requires that at least 60 percent of loans made pursuant to FmHA single family and rental loan programs be for the benefit of low-income persons.

This Act also authorizes FmHA to pay State or local taxes on acquired property, other than property used for the agency's own administrative purposes, beginning with taxes due from Jan. 1, 1977. However, no tax may be imposed or collected by a State or local government if the tax is based on the value of any notes, mortgages, or other lien instruments held or transferred to the Secretary, on notes or lien instruments which are made, assigned or held by a person otherwise liable for such tax or on the value of any property conveyed to the Secretary, insofar as the tax is on the instrument, on the privilege of conveying, or on the transferral or the recordation of the instrument. The failure to pay such taxes shall not be a ground for refusal by the State or local government to record or file mortgage or lien instruments. Tax payments previously made on properties held by FmHA are approved retroactively. Such payments need not be refunded and no officer or employee of the United States shall be liable for having authorized such tax payments prior to their having been authorized in the new law.

Title VI of this Act amends Title VII of the Housing and Urban Development Act of 1970 by changing the short title of Title VII to "National Urban Policy and New Community Development Act of 1970," by referring to the development of a "national urban policy" and by including among the purposes of that Act the conservation of energy sources and the support of development to assure good housing. Congressional findings are amended to emphasize changes in patterns of urban settlement, in population distribution and in the economic bases of urban areas. The previous requirement for a report to Congress on urban growth is deleted in favor of a biennial Presidential Report on National Urban Policy, due first during February 1978, which is to include data on patterns of urban development and trends affecting the well-being of urban areas, along with an examination of the housing and community development problems experienced by cities undergoing a growth rate which equals or exceeds the national average.

Title VII of the Act amends the National Flood Insurance Program by extending through Sept. 30, 1978, the authorities to enter into new flood insurance contracts and to provide subsidized flood insurance under the emergency program in communities which have adopted minimum flood-plain management measures and for which the necessary actuarial rate and flood hazard elevation studies have not yet been completed. Appropriations of not to exceed $108 million for fiscal 1978 are authorized for flood insurance studies. The Act removes a provision under prior law which prohibited the making of Federally-related loans secured by improved real estate or a mobile home located or to be located in special flood hazard areas, if the community in which the area is located is not participating in the National Flood Insurance Program. However, purchasers or lessees obtaining a loan secured by real property in a designated special flood hazard area must be informed as to whether disaster relief assistance will be available for that property in the event of a flood disaster. Prior law is changed so that Federal financial assistance for acquisition or construction purposes in such areas is prohibited under the Disaster Relief Act of 1974 in connection with a flood, but assistance is permitted following nonflood related disasters.

The ceiling on optional insurance coverage established at actuaria rates is raised to $150,000 for any residential structure, to $50,000 fo the contents of any dwelling unit and to $250,000 for business structures and contents owned, leased, and operated by small businesses, plu $200,000 multiplied by the number of small business occupants provided that structure coverage cannot exceed $250,000. The Secretary' authority to purchase flood-damaged properties is expanded to permit the purchase of property which has incurred significant floo damage on at least three occasions over a 5-year period and for which on each occasion the cost of repair, on the average, equalled or exceeded 25 percent of the value of the structure or which has sustained damage as a result of a single casualty of any nature under circumstances such that a statute, ordinance, or regulation precludes its repair or restoration or permits repair or restoration only at a significantly increased construction cost.

The new law also authorizes the Secretary of HUD to make low-interest (2 percent) 10-year loans to homeowners for the purpose of elevating single-family dwelling structures which are located within a "regulatory floodway" and insured under the National Flood Insurance Program. Such loans are authorized in cases where the structure has suffered damage from any casualty (flood or nonflood) and where the Secretary determines that the repair, reconstruction, or substantial improvement of the structure will be made more effective, from the standpoint of prudent flood plain management, by elevation so that structure will not interfere with the flow of water from the base flood within the floodway. Appropriations of not to exceed $4,500,000 are authorized for this purpose.

In addition, the new law authorizes the Secretary of HUD to establish administrative procedures for appeals of the Secretary's identification of a flood prone area under the Flood Disaster Protection Act of 1973. The appeal may be made by the community, or by an owner or lessee of real property within the community who believes his or her property to have been inadvertently included in a special flood hazard area by the identification. The Secretary is required to reimburse communities or individuals for the expense of surveying, engineering, or similar services in connection with wholly or partially successful appeal. The measure also requires that reimbursement be made in connection with wholly or partially successful appeals of proposed Secretarial determinations of flood elevations. In the case of either type of appeal, reimbursement may not be made for legal services or contingent fees, and the amount of reimbursement is based on that portion of the reasonable value of all reimbursable services which reflects the ratio of the successful portion of the appeal to the entire appeal. Appropriations of not to exceed $250,000 are authorized for implementing each provision regarding appeals.

Title VIII, the "Community Reinvestment Act of 1977," cites congressional findings that: regulated financial institutions are required by law to demonstrate that their deposit facilities serve the convenience and needs of the communities in which they are chartered to do business; a community's convenience and need include the need for credit services, as well as deposit services; and regulated financial institutions have a continuing and affirmative obligation to help meet the credit needs of the local communities in which they are chartered.

The purpose of the title is to require appropriate Federal financial supervisory agencies (defined as the Comptroller of the Currency, Insurance Corporation, and the Federal Home Loan Bank Board) to use their authority, when examining financial institutions, to encourage such institutions to help meet the credit needs of their local communities, consistent with the safe and sound operations of such institutions.

Each Federal financial supervisory agency, in connection with its examination of a financial institution within its jurisdiction, must assess the institution's record of meeting the credit needs of its entire community, including low- and moderate-income neighborhoods, consistent with the institution's safe and sound operation. The institution's records, as revealed by such examination, must be taken into account in the supervisory agency's evaluation of an institution's "application for a deposit facility," defined as an application for: a charter for a national bank or Federal savings and loan association; deposit insurance in connection with a new chartered State bank, savings bank, savings and loan association or similar institution; the establishment of a domestic branch or other facility with the ability to accept deposits of a regulated financial institution; the relocation of the home office or a branch office or a regulated financial institution; the merger or consolidation with, the acquisition of the assets of, or the assumption of the liabilities of a regulated financial institution requiring approval of a Federal supervisory agency pursuant to existing laws; and the acquisition of shares in, or the assets of, a regulated financial institution requiring approval of a Federal supervisory agency pursuant to existing laws. Each Federal financial supervisory agency is to publish regulations to carry out the purposes of the Community Reinvestment Act, to take effect within 390 days from the date of enactment. The supervisory agencies are to include, in their annual reports to the Congress, a section outlining the actions taken to carry out responsibilities assigned in the Community Reinvestment Act.

Title IX of the Act contains four provisions affecting Indian housing, mobile home safety, home safety, homeownership counseling and housing prototype costs. A new Special Assistant for Indian and Alaska native programs, to be responsible for coordinating all HUD programs relating to Indian and Alaska native housing and community development, is established within HUD. In addition, the Secretary of HUD is directed to submit (not later than December 1 of each year) a report to Congress which: describes the Department's actions relating to Indians and Alaska natives during the current year and a projection of activities and their cost for succeeding years; provides a statistical report on the conditions of Indian and Alaska native housing; and recommends legislative, administrative and other actions, as the Secretary deems appropriate.

The new law directs the Secretary of HUD to exclude from mobile home construction and safety standards regulation any structure which the manufacturer certifies (in a form prescribed by the Secretary) is: designed only for erection or installation on a site-built permanent foundation; not designed to be moved once so erected or installed; designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a State or local modular building code recognized as generally equivalent to building codes for site-built housing, or with minimum property standards adopted by the Secretary; and to the manufacturer's knowledge, not intended to be used other than on a site-built permanent foundation.

Civil and criminal penalties are provided if any person submitting a certification has reason to know, in the exercise of due care, that such certification is false or misleading in a material respect.

The Secretary of HUD is authorized to provide homeownership counseling services to owners of single-family dwellings assisted under Title II of the National Housing Act, in addition to homeowners assisted under Section 235 of that Act, for whom counseling is already required to be provided in previous law.

Beginning in calendar year 1979, the Secretary of Housing and Urban Development is directed to prepare and to publish annually prototype housing costs for one- to four-family dwelling units for each housing market area in the United States, as determined by the Secretary. Costs for an area are to be determined on the basis of the Secretary's identification and estimate of reasonable construction and other costs (including allowances for the cost of land and site improvements) for various types and sizes of new one- to four-family dwelling units designed for various segments of the housing market of the area, as determined by the Secretary. In determining prototype costs, the Secretary is authorized to take into account: the need for durability required for economic maintenance; the need for amenities suitable to assure a safe and healthy family life and neighborhood environment; the application of good design and quality in architecture; the need for maximum conservation of energy; and the advice and recommendations of local housing producers. The Secretary is authorized to take such action as necessary to develop, aggregate and evaluate information necessary for the timely development, implementation and maintenance of the prototype housing cost system.

TO EXTEND THE DEFENSE PRODUCT ACT OF 1950

Public Law 95-37—S. 853, H.R. 4962

H.R. 4962

April 28, 1977—Full committee ordered favorably reported by roll call vote of 33 ayes to 0 nays.
Apr. 29, 1977—Report filed. H. Rept. 95-232.
May 2, 1977—Passed House by a yea-and-nay vote of 385 yeas to 8 nays.
May 3, 1977—Referred to Senate Committee on Banking, Housing, and Urban Affairs.

S. 853

May 11, 1977—Report filed. S. Rept. 95-131.
May 13, 1977—Passed Senate by voice vote.
May 19, 1977—Passed House by voice vote.
June 3, 1977—Signed by the President. Public Law 95-37.

H.R. 4962 provides for a 2-year extension of the Title of the Defense Production Act of 1950, as amended. These titles were due to expire on Sept. 30, 1977. The Act, as amended, provides the authority for a number of programs aimed at maintaining the national defense industrial base and at preparing national defense mobilization programs.

Apr. 28, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 38 ayes to 1 nay.
May 2, 1977—Report filed. H. Rept. 95-235.
May 3, 1977—By a yea-and-nay vote of 281 yeas to 126 nays, the House voted to suspend the Rules and pass H.R. 6415, as amended.
June 21, 1977—Report filed. S. Rept. 95-279.
June 29, 1977—Senate passed, amended, by voice vote.
July 28, 1977—House disagreed to the amendment of the Senate, asked for a conference and appointed conferees.
Aug. 1, 1977—Senate insisted on its amendment, agreed to conference with the House and appointed conferees.
Sept. 23, 1977—Senate agreed to conference report, by voice vote.
Sept. 26, 1977—Conference report filed. H. Rept. 95-627.
Oct. 14, 1977—By a yea-and-nay vote of 281 yeas to 62 nays, the House agreed to the Conference report. Subsequently agreed to S. Con. Res. 46, authorizing certain corrections in the enrolled bill.
Oct. 27, 1977—Signed by the President. Public Law 95-143.

H.R. 6415 extends the authorization of the Export-Import Bank of the U.S. from June 30, 1978 to September 30, 1978 to bring the Bank's statutory authority in line with the 1978 fiscal year. The bill requires the Board of Directors, in authorizing any loan or financial guarantee, to take into account in consultation with the Secretary of State, information on human rights in the country to receive the Exim-supported exports and the effect such exports may have on human rights in the country.

The bill adds to Exim's existing mandate to minimize competition in government-supported export financing a provision requiring the Bank, in cooperation with other appropriate U.S. Government agencies, to seek to reach international agreements on ways of reducing the use of government-subsidized export financing.

H.R. 6415 provides that Exim bring any nuclear-related loan to Congress for the same 25-day time requirement that loans over $60 million must meet. During the 25-day period, consultations could be held between the appropriate Congressional Committees and Subcommittees and Administration officials to analyze any inherent nuclear proliferation dangers that the country receiving the exports might pose.

The bill states that any country which materially violates U.S. or International Atomic Energy Agency (IAEA) safeguards, or detonates a nuclear device (the five members of the nuclear club excluded—U.S., Britain, France, China and Russia) shall receive no more Exim support, unless the President waives the prohibition for "national interest" reasons.

The bill also prohibits the Bank from supporting the export of liquid metal fast breeder nuclear reactors and nuclear fuel reprocessing plants.

TO EXTEND THE COUNCIL ON WAGE AND PRICE STABILITY

Public Law 95-121—H.R. 6951

May 10, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 36 yeas to 2 nays.
May 13, 1977—Report filed. H. Rept. 95-316.
Oct. 3, 1977—Passed House, amended, by yea-and-nay vote of 251 yeas, 145 nays.
Oct. 4, 1977—Passed Senate by voice vote.
Oct. 6, 1977—Signed by the President. Public Law 95-121.

H.R. 6951 provides for a two-year extension of the Council on Wage and Price Stability Act of 1974, as amended. This act is currently due to expire September 30, 1977. The Council on Wage and Price Stability Act provides for the establishment of the Council on Wage and Price Stability whose purpose is to monitor inflationary price and wage movements in the private sector of the economy as well as inflationary activities of the agencies and departments of the Federal Government.

NATIONAL CONSUMER COOPERATIVE BANK

Public Law 95-351—H.R. 2777

May 5, 1977—Full Committee ordered reported favorably, amended, by roll call vote of 28 yeas to 11 nays.
May 13, 1977—Report filed. H. Rept. 95-311.
July 14, 1977—House passed, amended, by a yea-and-nay vote of 199 yeas to 198 nays.
July 18, 1978—Referred to Senate Committee on Banking, Housing and Urban Affairs.
May 10, 1978—Report filed. S. Rept. 95-795.
July 13, 1978—Senate passed, amended, by roll call vote of 60 yeas to 33 nays.
July 25, 1978—House disagreed to Senate amendment, asked for a conference and appointed conferees.
July 26, 1978—Senate insisted on its amendment, agreed to a conference and appointed conferees.
July 27, 1978—Senate agreed to the conference report.
July 28, 1978—Conference report filed. H. Rept. 95-1399.
Aug. 9, 1978—House agreed to conference report by a yea-and-nay vote of 236 yeas to 164 nays, thus clearing the measure for the President.
Aug. 20, 1978—Signed by the President. Public Law 95-351.

The National Consumer Cooperative Bank Act establishes the National Consumer Cooperative Bank to provide for consumers a further means of minimizing the impact of inflation and economic depression by narrowing the price spread between costs to the producer and the consumer of needed goods, services, facilities, and commodities through the development and funding of specialized credit sources for, and technical assistance to, self-help, not-for-profit cooperatives.

The National Consumer Cooperative Bank will be a mixed ownership financial institution, will initially be subject to Presidential control through appointments of Board members, will ultimately be privately owned, and will make and guarantee loans to cooperatives. The Bank will have a capital base subscribed by borrowers from the Bank, by cooperatives eligible to become borrowers, by organizations owned and controlled by such borrowers, by foundations, trust or charitable funds, by public bodies, and by the United States.

For the fiscal year ending Sept. 30, 1979, $100 million is authorized for Treasury stock subscriptions and for the next four succeeding fiscal years an amount not to exceed $200 million.

The capital stock of the Bank will include Class A, B and C stock. Class A preferred stock held by the United States will have first preference with respect to assets and dividends; Class B and C stock shall be issued only to eligible borrowers and organizations controlled by such borrowers or organizations eligible to borrow.

Loans made by the Bank will be at market interest rates or guaranteed to consumer cooperatives on terms similiar to those used by other lending institutions.

The Bank will be governed by a 13-member board, originally appointed by President, and drawn from agencies of the Federal Government and from persons outside of government experienced with cooperative organizations. A plan for the election of Board members by eligible cooperatives as government capital is retired is provided in the Act.

The Board of the Bank shall report annually to the appropriate committees of Congress on the Bank's capital, operations, and financial condition and make recommendations for legislation needed to improve its services.

Prior to the time the Bank Board is controlled by the cooperative-users, the President is authorized to establish an Office of Supervision and Audit, which will be responsible for audits and examinations of the Bank and make an annual report to the Congress.

For initial administrative expenses of the Bank, $2 million is authorized for the fiscal year ending Sept. 30, 1979, and for the next two fiscal years, such sums as may be necessary.

The Bank's Office of Self-Help Development and Technical Assistance will (1) provide technical assistance for all consumer cooperatives and the public on cooperative programs and activities and undertake investigations of new types of services which can more effectively be provided through cooperative not-for-profit organizations and make surveys of areas where increased use of such organizations will contribute to economic well-being of the community; and (2) administer a Self-Help Development Fund for low income, inner city, new cooperatives, and cooperatives meeting special needs, by making low interest loans to such co-ops, with repayments to go into a revolving fund which will provide a continuing source of funding. For the fiscal year ending Sept. 30, 1979, $2 million is authorized for administration of the Office and such sums as are necessary for the next two succeeding fiscal years. There is also authorized $10 million for fiscal year ending Sept. 30, 1979 for the Self-Help Development Fund and $65 million for the two succeeding fiscal years.

NATIONAL WEATHERIZATION ACT

H.R. 7893

June 21, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 28 ayes to 1 nay.
July 11, 1977—Report filed. H. Rept. 95–488.
(For further action by Ad Hoc Committee on Energy, see H.R. 8444, Title I; and for final action, see H.R. 5037, Titles II and III—Public Law 95–619 in Public Bills section.)

H.R. 7893

Title I contains provisions that amend the Energy Policy and Conservation Act with respect to the rules, guidelines and procedures that govern existing supplemental State energy conservation plans and establishes a new program mandating the participation of regulated and unregulated utilities in information programs directed at weatherizing residential buildings.

Title II amends the Energy Conservation in Existing Buildings Act of 1976 and the Housing Act of 1949 to make uniform the income eligibility requirements, standards of energy conservation, eligible weatherization measures, and grant amounts under weatherization programs for low-income families to be administered by the Federal Energy Administration, the Farmers Home Administration, and the Community Services Administration. Dollar authorizations for the Federal Energy Administration's basic weatherization program would be increased from $65 million to $130 million for fiscal year 1978 and from $80 million to $200 million for fiscal years 1979 and 1980. The title also amends the Housing Act of 1949 to establish in the Farmers Home Administration a new weatherization grant program for the benefit of low-income families in rural areas, and earmarks $25,000,000 of the amounts authorized to be appropriated for the existing section 504 repair grant program for use as weatherization grants for low-income families.

Title III amends the Federal National Mortgage Association Charter Act to permit the Government National Mortgage Association to purchase subsidized energy conservation improvement loans to low- and moderate-income families. It also amends the National Housing Act to authorize Title I insurance for energy conservation loans made to purchase and install weatherization materials, and authorizes insurance of loans made for energy conservation improvements in multifamily residential structures. Standby authority is also provided to the Government National Mortgage Association to purchase unsubsidized energy conservation improvement loans.

Title IV contains miscellaneous provisions relating to energy conservation in residential structures. Up to $10 million in annual contributions contract authority under the low-income public housing modernization program is authorized for energy conservation improvements in low-income projects. The National Housing Act and the Housing Act of 1949 would be amended to require the establishment of energy performance requirements for newly constructed housing insured by the Federal Housing Administration or assisted by the Farmers Home Administration. FHA mortgage insurance limits could be increased by up to 20 percent to cover the costs of solar energy systems. A study and report is required on the implications involved in mandating energy efficiency standards for all residential dwelling units. The FEA in conjunction with other agencies is required to monitor and report to Congress on the effectiveness and progress of the weatherization measures and programs established in this bill. The bill also provides additional dollar authorizations for grants to States to assist them in implementing new building performance standards. The Federal National Mortgage Association and the Federal Loan Mortgage Association are authorized to purchase loans made for energy conserving improvements or solar energy systems.

H.R. 8444

Title I, Part I of the National Energy Act, could create several new programs and amend existing programs in order to increase the number of adequately insulated residential buildings.

Subpart A would require regulated and non-regulated gas and electric utilities to implement residential energy conservation plans. State departments or agencies receiving funds under Part C of Title III of the Energy Policy and Conservation Act would be able to submit plans for public utilities in those States to FEA; otherwise State utility regulation agencies and non-regulated utilities would submit plans.

Under these plans, no later than Jan. 1, 1980, the utilities must provide residential customers with information on (1) energy conservation measures suitable for their climatic region and type of buildings, (2) the availability of individual energy audits to estimate the cost of residential energy conservation measures and the savings in energy cost likely to be obtained through application of those measures, (3) the availability of loans to purchase and install the measures, and (4) the availability of installation services. Unless the FEA determines that financing by utilities would be unreasonable or would have a substantial adverse effect upon competition utilities would be able to offer financing services. Two years after the date of enactment, utilities would be required to offer installation services if the FEA Administrator determined that offering such services would substantially increase the number of customers likely to install the measures, would not have a substantial anti-competitive effect, and would not result in excessive prices. Utilities supplying or installing energy conservation measures prior to April 20, 1977, would be able to continue to do so unless the FEA Administrator determined that those services would have a substantial anti-competitive effect.

If a State governor failed to compile lists of suppliers, contractors and lending institutions offering services related to residential energy conservation measures, the FEA Administrator would do so. The FEA Administrator would also be required to develop a list of suggested energy conservation techniques requiring adjustment in energy use patterns. These lists would be made available to the utilities for distribution.

The FEA Administrator could order a utility to implement a residential energy conservation plan if the utility's program had not been approved or had been inadequately implemented. Any utility which violated a requirement of the plan or failed to comply with an order by the FEA, would be subject to a civil penalty of not more than $25,000 for each violation. Authorization would be $5 million for each of the three fiscal years beginning after the date of enactment of this legislation.

The FEA Administrator would be required to undertake a study and submit, within 18 months of enactment, recommendations to the President and Congress respecting the mandatory application of energy conservation standards to existing residential buildings.

Subpart B would make uniform the weatherization grant assistance provided to low-income persons through three separate programs administered by the Community Services Administration, the Federal Energy Administration and the Farmers Home Administration. In each program, the income eligibility level would be 125 percent of poverty established by the Office of Management and Budget, the definition of approved weatherization measures would be expanded and a consistent standard would be applied to assure that the investment in weatherization materials would be economically optimal for each dwelling unit. The maximum amount of each grant would be increased from $400 to $800 per dwelling unit and would be used to cover the cost of weatherization materials, transportation, tools and supervisory personnel. To assure the supply of volunteer or CETA labor to install the weatherization materials in these programs, the Secretary of Labor would be required to take all appropriate steps to have local CETA sponsors allocate adequate numbers of workers to these programs. Under the FmHA program, the allowable grant per unit could be increased to $1,500 to cover materials and labor in rural areas where volunteer or CETA labor is not available.

The authorizations for the FEA program would be increased from $65 million to $130 million for fiscal year 1978, from $80 million to $200 million fiscal year 1979 and $200 million for fiscal year 1980. $25 million of the funds already authorized for the FmHA Section 504 Rehabilitation Loan and Grant Program would be designated for the new FmHA Weatherization Grant Program.

Subpart C would require the Government National Mortgage Association to purchase up to $2 billion outstanding at any one time of weatherization loans made by lenders to homeowners with less than 90 percent of median area income. These loans would be coinsured under the FHA Title I Insurance Program, would not exceed $2,200 per loan and have terms of not less than 5 years nor greater than 15 years (although prepayment without penalty would be permitted). If the Secretary of HUD found it necessary to encourage borrowing, she could lower the interest rate on the loans below the general Title I loan rate to as low as the Treasury borrowing rate. The FHA would be permitted to coinsure loans made to multifamily property owners for weatherizing their property or converting from master utility meters to individual meters. Provisions would have to be made so that benefits from the improvements would accrue primarily to the tenant of the property. If insufficient credit existed for weatherization loans, the Secretary of HUD would be authorized to require the Government National Mortgage Association to purchase FHA Title I weatherization loans, up to $3 billion outstanding at any one time (as approved in appropriation Acts). The definition of energy conserving improvements under the Title I Home Improvement Program would be amended to conform to the definition of residential energy conservation measures established in Part A of Title I of this bill.

Subpart D would add $10 million of annual contributions contract authority to the conventional low-income public housing modernization program in order to finance the purchase and installation of weatherization materials. FHA and FmHA would be directed to amend their minimum property standards to include energy performance requirements that would achieve a significant increase in energy efficiency of new construction, until such time as the standards require under the Energy Conservation Standards for New Buildings Act of 1976 become effective. The Title I Home Improvement Loan Program definition of solar energy system would be amended and where required to install solar energy systems, the maximum insurable mortgage amounts under Sections 203(b) (2) and 207(c) (3) of the National Housing Act and the loan limits of Section 501 of the Housing Act of 1949 would be amended to permit an increase of up to 20 percent. The Secretary of HUD, in coordination with other appropriate Federal agencies, would be directed to study and to report to Congress within 1 year, the need for and feasibility of mandating energy efficiency standards for all residential buildings. The Secretary would also be directed to transmit to Congress within 3 years from enactment a study and legislative recommendations on the feasibility of the construction of underground residential dwellings. The Energy Conservation Standards for New Buildings Act of 1976 would be amended to increase the amounts authorized for appropriation for new building performance standards grants to $10 million for each of fiscal years 1978 and 1979.

The Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association, in their secondary market operations, would be permitted to deal in insured or uninsured residential energy conservation or solar energy system loans. The Administrator of FEA, the Secretaries of HUD and Agriculture and the Director of the Community Services Administration would be directed to conduct a joint study, and report to Congress within a year of enactment and annually thereafter, on weatherization activities authorized by and taken independently of this Act.

H.R. 5037—Public Law 95–619

Title II of H.R. 5037 would authorize a utility conservation program for residential buildings of four units or less. Utilities are required to inform their consumers of suggested conservation measures, projected savings in energy costs and the availability of arrangements for loans and installations. Utilities must offer to inspect the building and to arrange to have conservation measures installed and for a lender to make a loan, if a customer so desires. In connection with these "project manager" activities, utilities must make available the customer lists of lenders, suppliers and contractors and must offer billing arrangements or the monthly utility bills.

Utilities are generally prohibited from installing energy conservation measures, other than furnace efficiency modifications, clock thermostats and load management equipment. Utilities may make loans generally of not more than $300. But existing utility financing and installation programs could continue. States must have energy conservation plans. States must assure that utilities charge fair and reasonable prices and rates of interest in connection with their conservation programs. State plans must contain procedures for the preparation of lists of approved suppliers, contractors and lenders, as well as disapproval procedures. Lists are to be prepared in a fair, open and nondiscriminatory manner and unfair, deceptive or anticompetitive acts or practices are to be prevented. The proposed plan must also provide a procedure for adjusting complaints against suppliers and contractors. Home heating fuel suppliers could participate in the program on a voluntary basis.

Title III would authorize $130 million in fiscal 1978 and $200 million in each fiscal 1979–80 for grants up to $800 for weatherization of homes of low-income families in cities and up to $1,500 in rural areas. The title would authorize loan insurance under the National Housing Act for energy-conserving improvements and solar energy systems in multifamily structures. A 5-year, $100-million revolving fund would be established in GNMA to purchase loans of up to $8,000 for solar equipment. Two GNMA programs for secondary financing of energy-conserving improvements and solar equipment would be established with $5 billion purchase authority. Some $25 million would be authorized for HUD weatherization grants to multifamily housing for the elderly and handicapped.

Title III also would authorize $900 million over 3 years for energy audits and renovations of schools and hospitals and $65 million over 2 years for energy audits in public buildings.

Title IV would double civil penalties for manufacturers who fail to meet automobile average fleet economy standards unless the Secretary makes certain findings on economic impact. The bill would require disclosure to customers of thet gas guzzler tax and extend fuel labeling to vans and other vehicles up to 8,500 pounds. The Secretary of Energy would be required to establish energy efficiency standards for 13 major appliances including refrigerators, furnaces, air conditioners and dishwashers, and energy labeling rules for certain industrial equipment.

HUMAN RESOURCES DEVELOPMENT ACT OF 1977

H.R. 8056

July 29, 1977—Full Committee ordered reported favorably by roll call vote of 37 yeas to 1 nay.

Aug. 4, 1978—Report filed. H. Rept. 95–572, Pt. 1.

June 28, 1977—Referred to House Committee on Education and Labor.

(For final action of H.R. 8065, see S. 2570, Title VI, Public Law 95-524 in Public Bills section.)

H.R. 8065 provides for a program of projects to promote economic stability by increasing productivity through the better use of human resources in employment, to encourage the development of worker and management capabilities, and to improve job security in order to enhance the well-being of workers and quality of work life.

TO AMEND THE FEDERAL HOME LOAN BANK ACT

Public Law 95–56—S.J. Res. 63

June 15, 1977—Passed Senate by voice vote.
June 20, 1977—Passed House by voice vote.
June 29, 1977—Signed by the President. Public Law 95–56.

Extends the term of office of a member of the Federal Home Loan Bank Board until a successor is appointed and has qualified, but not to exceed thirty days, with a repealer provision, effective Aug. 1, 1977.

EXTENSION OF FHA MORTAGE INSURANCE, NATIONAL FLOOD INSURANCE

Public Law 95–60—H.J. Res. 525

June 27, 1977—Passed House by voice vote.
June 29, 1977—Passed Senate by voice vote.
June 30, 1977—Signed by the President. Public Law 95–60.

The joint resolution extends through July 31, 1977, the authority of the Secretary of Housing and Urban Development to insure mortgages and loans under the following HUD–FHA mortgage or loan insurance programs contained in the National Housing Act: title I, sections 203, 207, 213, 220, 221, 222, 223, 231, 232, 233, 234, 237, 240, 241, 242, 243, 244, title VII, title X and title XI. In addition, the Secretary's authority to set administratively the interest rates for FHA-insured mortgage loans to meet the market at rates above the statutory maximum and to enter into new flood insurance contracts under the National Flood Insurance Act of 1968 is extended through July 31, 1977. The resolution also extends through July 31, 1977, certain authorities under title V of The Housing Act of 1949 which affect the Farmers Home Administration rural housing programs: the authorization of appropriations for sections 504, 506, 516, 523 and the Secretary of Agriculture's authority under sections 515, 517 and 523.

EXTENSION OF FHA MORTGAGE INSURANCE, NATIONAL FLOOD INSURANCE

Public Law 95–80—S.J. Res. 77

July 28, 1977—Passed Senate by voice vote.
July 29, 1977—Passed House by yea-and-nay vote of 383 yeas to 2 nays.
July 31, 1977—Signed by the President. Public Law 95–80.

The joint resolution extends through September 30, 1977, the authority of the Secretary of Housing and Urban Development to insure mortgages and loans under the following HUD-FHA mortgage or loan insurance programs contained in the National Housing Act: title I, sections 203, 207, 213, 220, 221, 222, 223, 231, 232, 233, 234, 237, 240, 241, 242, 243, 244, Title VII, Title X and Title XI. In addition, the Secretary's authority to set administratively the interest rates for FHA-insured mortgage loans to meet the market at rates above the statutory maximum and to enter into new flood insurance contracts under the National Flood Insurance Act of 1968 is extended through July 31, 1977. The resolution also extends through July 31, 1977, certain authorities under title V of the Housing Act of 1949 which affect the Farmers Home Administration rural housing programs: the authorization of appropriations for sections 504, 506, 516, 523 and the Secretary of Agriculture's authority under sections 515, 517 and 523.

TO AMEND THE FEDERAL HOME LOAN BANK ACT

Public Law 95-90—S.J. Res. 79

Aug. 1, 1977—Passed Senate by voice vote.
Aug. 1, 1977—Passed House by voice vote.
Aug. 4, 1977—Signed by the President. Public Law 95-90.

Extends term of the expired Board member of the Home Loan Bank Board for an additional 15 days.

Provides for repealer of extension on Aug. 15, 1977.

BICENTENNIAL ERA NATIONAL MEDALS

Public Law 95-229—H.J. Res. 386

July 29, 1977—Full Committee ordered reported favorably by roll call vote of 33 yeas to 0 nays.
Sept. 27, 1977—Passed House by a division vote of 43 yeas.
Sept. 29, 1977—Referred to Senate Committee on Banking, Housing and Urban Affairs.
Dec. 8, 1977—Report filed. S. Rept. 95-611.
Jan. 23, 1978—Passed Senate, amended, by voice vote.
Jan. 31, 1978—House agreed to Senate amendments.
Feb. 14, 1978—Signed by the President. Public Law 95-229.

H.J. Res. 386 provides for the striking of one national medal each year commemorating the bicentennials of outstanding historic events and personalities from 1777 to 1789. The medals will be furnished to the U.S. Capitol Historical Society and revenues from their sale will be used for such projects as annual history symposiums, their Congressional studies program, the House Wing Mural Project, and various Congressional research studies. The Society would reimburse the Government for all costs of manufacture, plus a surcharge equal to 25 percent of manufacture. The Director of the Mint is authorized to announce the availability of the medals to the collectors of coins and medals whose names and addresses appear on the customer lists maintained by the Mint.

TO EXTEND REGULATION Q

Public Law 95-188—H.R. 9710

Oct. 26, 1977—Full Committee ordered favorably reported by roll call vote of 41 yeas-0 nays, amended.
Oct. 28, 1977—Report filed. H. Rept. 95-774.
Oct. 31, 1977—Passed House by a year-and-nay vote of 359 yeas to 3 nays.
Nov. 1, 1977—Passed Senate, amended, by voice vote.
Nov. 2, 1977—House agreed to Senate amendment, by voice vote.
Nov. 16, 1977—Signed by the President. Public Law 95-188.

(See, also, H.R. 8094 and H.R. 9614 in Public Bills section.)

Title I—Extends Regulation Q until December 15, 1978.

Title II—Requires the Board of Governors and the Federal Open Mark Committee to maintain the long-run growth of the monetary and credit aggregates commensurate with the economy's production potential to promote maximum employment, stable prices and moderate long-term interest rates.

The Board of Governors is required to consult with Congress at semiannual hearings before the House Committee on Banking, Finance and Urban Affairs, and the Senate Committee on Banking, Housing and Urban Affairs about the Board's and the FOMC's objectives and plans with respect to the ranges of growth or diminution of monetary and credit aggregates for the upcoming 12 months, taking into account past and prospective developments in production, employment and prices at the hearings. The Board and FOMC is not required to achieve projected rates of growth or diminution of the money supply if they cannot or should not be achieved because of changing conditions.

Requires that all Federal Reserve Bank directors be chosen "without discrimination on the basis of race, creed, color, sex, or national origin." Class B and C directors would be designated as "public" and "chosen" with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor and consumers." There is no change in the economic representation for Class A directors, now all bankers.

Requires Senate confirmation of the Chairman and Vice Chairman of the Board of Governors beginning in February of 1982. The section also provides that the terms of the Chairman and Vice Chairman will begin 1 year and 12 days after the President's inauguration. Vacancies which occur during a term will be filled only for the unexpired portion of the term.

Places Federal Reserve bank directors, officers and employees under the conflict of interest provision, 18 U.S.C. 208, which applies to all other Federal employees. Section 208 already applies to the Board of Governors and its staff.

Title III—Authorizes a bank holding company to retain shares in a bank acquired in connection with defaults on debts previously contracted for a period of 5 years and a company acquiring such shares would not be required to be registered as a bank holding company for 5 years. Section 301 also makes explicit that shares acquired by non-banks as well as banks in nonbank companies may be held for (a period not to exceed) 5 years before they are required to be divested.

Amends sec. 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842) to allow the Federal Reserve Board to shorten the time requirements for notice to the respective primary bank supervisory authority from 30 to 10 days where the Board finds that an emergency exists requiring expeditious action.

Where the Board finds it must act immediately to prevent a probable failure of a bank or bank holding company, the Board may dispense with all notice requirements, and may act immediately with regard to any such merger, acquisition, or consolidation application.

Amends subsection (b) of sec. 11 of the Bank Holding Company Act of 1956 (12 U.S.C. 1849) to shorten from 30 to 5 days the Justice Department's period for comment on an approved acquisition where an emergency exists requiring expeditious action. In the case of a probable failure the Board may act immediately to effectuate an acquisition.

AUTHORITY FOR FEDERAL RESERVE BANKS TO PURCHASE U.S. OBLIGATIONS

Public Law 95-154—H.J. Res. 611

Oct. 31, 1977—Passed House by yea-and-nay vote of 388 yeas to 14 nays.
Nov. 1, 1977—Referred to Senate Committee on Banking, Housing, and Urban Affairs.
Nov. 3, 1977—Passed Senate, by voice vote.
Nov. 7, 1977—Signed by the President. Public Law 95-154.

H.J. Res. 611 would extend until April 30, 1978, the authority of the Federal Reserve to purchase U.S. obligations up to a limit of $5 billion from the Treasury on a direct basis. Extension of this authority have been granted on 20 occasions so far since originally being granted by Congress in 1942. The authority provides a backstop for Treasury cash and debt operations. It assures that the Treasury will be able to raise cash almost instantaneously in emergencies.

INTERNATIONAL MONETARY FUND SUPPLEMENTARY FINANCING FACILITY

Public Law 95-435—H.R. 9214, S. 2152

H.R. 9214

Jan. 23, 1978—Full Committee ordered reported favorably, amended, by roll call vote of 27 yeas to 9 nays.
Jan. 27, 1978—Report filed. H. Rept. 95-853.
Feb. 23, 1978—Passed House by a yea-and-nay vote of 267 yeas to 125 nays, amended.
July 31, 1978—Passed Senate, amended, by a yea-and-nay vote of 69 yeas to 16 nays.
Sept. 14, 1978—House disagreed to the Senate amendment, asked a conference and appointed conferees.
Sept. 19, 1978—Senate insisted on its amendment, agreed to a conference with the House and appointed conferees.
Sept. 22, 1978—Conference report filed. H. Rept. 95-1613.
Sept. 25, 1978—Senate agreed to conference report by voice vote.
Sept. 28, 1978—House agreed to the conference report by a yea-and-nay vote of 238 yeas to 138 nays.
Oct. 10, 1978—Signed by the President. Public Law 95-435.

S. 2152

Nov. 15, 1977—Report filed by Senate Committee on Foreign Relations. S. Rept. 95-603.
Mar. 13, 1978—Report filed by Senate Committee on Banking, Housing and Urban Affairs. S. Rept. 95-698.
July 31, 1978—Senate passed, amended, H.R. 9214. S. 2152 infinitely postponed.

H.R. 9214 amends the Bretton Woods Agreements Act to authorize the United States to participate in the Supplementary Financing Facility of the International Monetary Fund.

It authorizes appropriations for the purpose of participating in the Supplementary Financing Facility in an amount not to exceed 1,450 million Special Drawing Rights.

It instructs the U.S. Executive Director to present a comprehensive set of proposals to the IMF for reforming IMF pay schedules.

It limits the salaries of the U.S. Executive Director and his alternate to the rates of levels IV and V of the Executive Schedule, respectively.

It instructs the U.S. Executive Director to seek to assure that IMF decisions do not undermine U.S. policy on the comparability of treatment of public and private creditors in debt rescheduling.

It instructs the Secretary of the Treasury to issue, in consultation with the State Department, a report on the status of human rights in any country borrowing from the Supplementary Financing Facility.

It instructs the U.S. Executive Director of the IMF to encourage the IMF to structure its economic stabilization programs to foster productive investment and employment and to help the country's economy serve the human needs of its people. It also requires the Secretary of the Treasury to issue an annual report evaluating the impact of IMF programs on basic human needs.

It contains a provision expressing the will of Congress that the United States have a balanced federal budget by 1981.

It imposes an embargo on U.S. trade with Uganda (food excepted) to express the Congress' disapproval of the Ugandan government's policies of genocide and repression.

It directs the U.S. representatives in the IMF to oppose any financing from the Facility to countries that harbor terrorists.

INTERNATIONAL BANKING ACT

Public Law 95–369—H.R. 10899

Feb. 23, 1978—Full Committee ordered reported favorably, amended, by roll call vote of 46 yeas to 0 nays.

Feb. 28, 1978—Report filed H. Rept. 95–910.

Apr. 6, 1978—Passed House, amended, by a yea-and-nay vote of 367 yeas to 2 nays.

Apr. 7, 1978—Referred to the Senate Committee on Banking, Housing and Urban Affairs.

Aug. 8, 1978—Report filed. S. Rept. 95–1073.

Aug. 15, 1978—Passed Senate, amended, by voice vote.

Aug. 17, 1978—Passed House by voice vote.

Sept. 17, 1978—Signed by the President. Public Law 95–369.

The International Banking Act provides a Federal framework for participation by foreign banks in domestic financial markets.

The Act permits the Comptroller of the Currency to waive the requirement that all directors of national banks be U.S. citizens. This will facilitate foreign bank charatering and acquisition of national bank subsidiaries, without unduly compromising the principle of local ownership and control.

The Act contains the first revisions to section 25(a) of the Federal Reserve Act since the section's enactment on Dec. 24, 1919. Section 25(a) of the Federal Reserve Act provides for the Federal chartering of corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations. The act removes certain statutory provisions in the Edge Act that discriminate against foreign banks, defines more clearly the national purposes behind Edge Act corporations, eliminates or modifies certain statutory provisions that handicap Edge Act corporations in providing international banking services to U.S. customers and in competing with foreign-owned banking institutions, eliminates two separate provisions in the Edge Act which prevent such corporations from having liabilities outstanding at any one time upon their debentures, bonds, or promissory notes in excess of 10 times their paid-in capital and surplus, eliminates a mandatory 10-percent reserve requirement imposed on Edge Act corporations deposits and provides instead that Edge Act corporations be subject to the same requirements that apply to member banks, modifies the Edge Act to permit foreign-owned banking institutions to acquire majority stock control of such corporations, and requires the Federal Reserve Board to report to the Congress not later than 270 days after the date of enactment of this bill on its recommendations with respect to permitting Edge Act corporations, and their sister State corporations operating under section 25 of the Federal Reserve Act to become member banks.

The Act provides that, subject to the approval of the Comptroller of the Currency, a foreign bank may establish a Federal branch or agency in any State where it does not already operate a State-licensed branch or agency, and in which the establishment of a branch or agency is not prohibited by State law.

The section establishes a comprehensive regulatory and supervisory framework for Federal branches and agencies that will be administered by the Comptroller of the Currency. The Comptroller of the Currency is given primary examination, regulatory and supervisory authority over Federal branches and agencies.

Under the Act foreign banks would be able to establish branch or agency offices in any State where this is permissible. The decision to attract foreign bank entry is, as now, left to the individual States. However, in the case of a branch to be established and operated outside of a foreign bank's home State or operations, which State would essentially be determined by the foreign bank, such branch would be able to accept such credit balances as agencies would be able to accept under relevant State and Federal law, but, with respect to deposits, would be limited to accepting the types of foreign-source and international banking and finance-related deposits permissible for international banking corporations organized under section 25(a) of the Federal Reserve Act (the Edge Act). The deposit limitations would apply only to branches for which applications had not been filed on or before July 27, 1978. Deposits subject to such limitations would not have to be insured, conforming to the existing treatment of Edge Act corporation deposits. Agencies, as now, would be unrestricted, since they cannot accept deposits. It also provides that no foreign bank may acquire any interest in a bank located outside of its home State if such a transaction would be prohibited by section 3(d) of the Bank Holding Company Act of 1956, as amended, if the foreign bank were a bank holding company, the operation of whose banking subsidiaries are principally conducted in the foreign bank's home State. It permits a foreign bank to choose its home State from among those States in which the foreign bank operates at the time of enactment or as a result of entry into additional States permitted by the Act.

The Act provides for voluntary FDIC insurance of deposits in branches of foreign banks. However, in those instances where such branches do accept "retail" deposits, defined to be deposits of less than $100,000, FDIC insurance of all deposits in such branches is made mandatory. The above requirement pertains to all Federal branches and to all State branches in States which require State-chartered banks to be insured. Only domestic deposits are subject to the insurance provisions.

The Act establishes the framework for the regulation, supervision, and examination of foreign banking activities in the United States. The Act provides authority to the Federal Reserve Board to establish reserve requirements for federally licensed foreign bank branches and agencies. Additionally, the Fedeal Reserve Board may, in consultation and cooperation with State bank supervisory authorities, establish reserve requirements for State licensed branches and agencies. This authority extends over all branches and agencies of foreign banks that have $1 billion or more in worldwide assets. Those branches and agencies for which the Federal Reserve holds reserve balances also have access to Federal Reserve discount, borrowing, and clearing facilities subject to such restrictions, limitations, and regulations as may be imposed by the Federal Reserve Board. The Act provides that the Comptroller, the FDIC, and the States have primary examining authority over such operations within their jurisdiction. The Federal Reserve Board will have residual examining authority over all banking operations of foreign banks, including branches, agencies, commercial lending companies, and bank subsidiaries. The Act establishes the "appropriate Federal agency" with respect to issuance of cease-and-desist orders under the Federal Deposit Insurance Act. It also confers on the Comptroller, the Board, and the FDIC the requisite authorizations to issue such rules, regulations, and orders as each deems necessary to carry out the provisions of and ensure compliance with this bill.

The Act provides that (1) any foreign bank maintaining a branch or agency in the United States, (2) any foreign bank or company that controls a commercial lending company, and (3) any company of which either of the above is a subsidiary shall be subiect to the non-banking and antitying provisions of the Bank Holding Company Act and permanently grandfathers such activities engaged in, or applied to be engaged in, as of July 26, 1978, the date of the Committee's markup.

While theAct permanently grandfathers certain nonbanking activities of foreign banks, it also authorizes the Federal Reserve to terminate the grandfather status of any company after Dec. 31, 1985, if it determines that such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices in the United States. The Act permits a foreign bank holding company to own shares of a foreign nonbanking company that directly or indirectly does business in the United States so long as the foreign company is principally engaged in business outside the United States.

The Act provides that the Scretary of the Treasury, in conjunction with the Secretary of State, the Federal Reserve, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation, will conduct a study on the extent to which American banks are denied national treatment in their banking operations abroad and the effects, if any, of such discrimination on U.S. exports. The study is to be completed within 2 years.

The Act requires foreign banks that maintain offices in the United States other than branches or agencies to register with the Secretary of the Treasury under rules prescribed by the Secretary.

The Act directs the President, in consultation with the Secretary of the Treasury, and Attorney General and the appropriate Federal bank regulatory agencies, to present a set of recommendations to the Congress with regard to the applicability of the McFadden Act to the current banking structure. These recommendations are to be made within 1 year of the enactment of the bill.

TO AMEND AND EXTEND THE EXPORT-IMPORT BANK ACT OF 1945, AS AMENDED

H.R. 12157

H.R. 12157

May 1, 1978—Full Committee ordered reported favorably, as amended, by roll call vote of 30 yeas to 5 nays.

May 4, 1978—Report filed. H. Rept. 95–1115.

July 27, 1978—Passed House, amended, by a yea-and-nay vote of 314 yeas to 47 nays.

July 28, 1978—Referred to Senate Committee on Banking, Housing and Urban Affairs, received by the Senate and placed on the calendar.

(For further House and Senate action see H.R. 14279, Title 19, Public Law 95–630.)

S. 3077

May 15, 1978—Report filed. S. Rept. 95–844. (Senate Banking, Housing and Urban Affairs.)

July 26, 1978—Report filed. S. Rept. 95–1039. (Senate Environment and Public Works.)

Sept. 29, 1978—Senate began consideration of S. 3077, but came to no conclusion thereon.

Section 1(a)

Section 1(a) would amend Section 2(c)(1) of the Export-Import Bank Act of 1945, as amended, to increase the amount of guarantees and insurance that may be charged on a 25% fractional basis against the overall commitment authority of the Bank from $20 billion to $25 billion. Assuming the Bank receives the $40 billion authority provided for in Section 1(b), the actual amount it could commit would be $58.75 billion (i.e., $25 billion in guarantees and insurance would be charged against the $40 billion total as only $6.25 billion because of the 25% fractional charge-off provision, leaving the Bank with $33.75

of its $40 billion ceiling to commit in addition to the $25 billion already committed).

Section 1(b)

Section 1(b) would amend Section 7(a) of the Export-Import Bank Act of 1945, as amended, to increase the aggregate amount of loans, guarantees, and insurance that the Bank may have outstanding at any one time from $25 billion to $40 billion. Within 180 days of the date the Bank projects reaching $30 billion of its aggregate total, officials of the Bank shall appear at hearings to review the Bank's projected commitment levels and its programs and policy goals.

Section 1(c)

Section 1(c) would amend Section 8 of the Export-Import Bank Act of 1945, as amended, to extend the life of the Bank from Sept. 30, 1978, to Sept. 30, 1983. The expiration date of the Bank would then coincide with the end of fiscal year 1983.

Section 2

Section 2 would amend Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, to reduce the delay in the 25-legislative-day period caused by adjournments of at least 10 days. If such an adjournment occurs during the 25-day period, the Bank may give final approval to a transaction upon the termination of the 25-day-legislative-day period or upon the termination of a 35-calendar-day period, whichever occurs sooner. This would allow the Bank to approve loans after 35 days when Congress is not in session, but Report language will specify that "the Committee expects the Bank to continue to be sensitive to the concerns expressed by Congress with regard to any transaction which has been sent to Congress, and to continue to take whatever action is appropriate, including refraining from giving final approval if necessary, until such time as those concerns can be properly addressed.

Section 3

Section 3 would amend Section 7(a) of the Export-Import Bank Act of 1945, as amended, to bring the Bank's activities into compliance with requirements of the Budget Act. Since an increase in the Bank's commitment authority may affect its total borrowing authority, the Budget Act requires that new spending authority be provided in annual appropriation acts. The Bank has been subject to this type of appropriation process for several years. This section formalizes the procedures.

Section 4

Section 4 mandates the Secretary of the Treasury and/or the Special Trade Representative on their designees to begin negotiations with foreign finance ministers from other major exporting countries on ending predatory export financing programs and other forms of export subsidies. The Secretary shall give Congress a progress report on Jan. 15, 1979. This section complements Section 2(b)(1)(A) of the Export-Import Bank Act of 1945, as amended, which requires the Bank to take the lead in initiating similar negotiations, but does not include predatory financing practices as a topic of the negotiations.

Section 5

Section 5 would prohibit the Bank from participating in any transaction (a) which would contribute to enabling the government of the Republic of South Africa to maintain apartheid; (b) with that government or its agencies unless the President determines that significant progress toward the elimination of apartheid has been made; or (c) in support of any export to other purchasers in that country unless the Secretary of State certifies that the purchaser has endorsed certain principles regarding non-discrimination.

Section 6

Section 6 would amend Section 2(b) (2) of the Export-Import Bank of 1945, as amended, by exempting the Peoples Republic of China from the provision prohibiting the Bank from supporting any transaction to a Communist country unless the President determines that it is in the national interest to do so. Thus, no presidential determination would be required for the Bank to support a transaction to the Peoples Republic of China.

Section 7

Section 7 would make Oct. 1, 1978, the effective date of this Act. It is another requirement of the Budget Act that new budget authority for a fiscal year must be reported before May 15 of the previous year. Therefore, this Act should not take effect until fiscal year 1979—Oct. 1, 1978.

Section 8

Section 8 would require the Bank to appoint an officer to advise the Board of Directors on matters relating to the export of goods and services to be used in the development, production, or distribution of nonnuclear renewable resources.

Section 9

Section 9 would prohibit the Bank from participating in financial transactions with a country which aids or abets any individual or group which has committed an act of international terrorism.

(H.R. 12157 incorporated as Title 19 of H.R. 14279, Public Law 95–630.)

H.R. 14279, Title 19

Section 1 provides that this Title of H.R. 14279 may be cited as the "Export-Import Bank Act Amendments of 1978."

Section 2 raises from $60 million to $100 million the amount of an Eximbank transaction requiring prenotification of Congress. It also permits the Bank to approve transactions without the regular congressional approval after 35 calendar days following notification if Congress is in adjournment.

Section 3 increases from $20 billion to $25 billion the amount of guarantees and insurance that may be charged on a 25% fractional basis against the overall commitment authority of the Bank.

(With the $40 billion authority provided in Section 5, the actual amount the Bank could commit would be $58.75 billion. The $25 billion in guarantees and insurance may be charged against the $40 billion ceiling as only $6.25 billion because of the 25% fractional charge-off provision, leaving the Bank with $33.75 of its $40 billion ceiling to commit in addition to the $25 billion already committed.)

Section 4 replaces the previous human rights provisions of the Eximbank Act. It provides that Eximbank may deny credit applications for non-commercial or non-financial reasons only in cases where the President determines that such action would be in the national interest and where such action would clearly and importantly advance United States policy in such areas as international terrorism, nuclear proliferation, environmental protection and human rights . . ." It also declares that the Bank "shall give particular emphasis to the objective of strengthening the competitive position of United States exporters and thereby of expanding total U.S. exports."

Section 5 increases the aggregate amount of loans, guarantees and insurance that the Bank may have outstanding at any one time from $25 billion to $40 billion.

Section 6 reauthorizes the Bank through Sept. 30, 1983.

Section 7 provides for the appointment of an Eximbank officer to promote export of solar energy technology. It also requires the Bank to report to Congress on the Bank's efforts to carry out provisions of Section 501 of the Nuclear Non-Proliferation Act of 1978 and Section 119 of the Foreign Assistance Act of 1961.

Section 8 authorizes and requests the President to seek ministerial level negotiations aimed at ending predatory financing and other export subsidies in world trade. The section also restates the Eximbank's authority to provide credit terms competitive with those of export financing agencies in other trading nations.

Section 9 permits Eximbank to support agricultural commodity exports when Commodity Credit Corporation financing is not available, if consistent with minimizing international competition in government-supported export financing and after consultation with the Secretary of Agriculture.

Section 10 adds "agricultural products" to the list of exports the Bank may assist.

Section 11 requires Eximbank to consider the effect of each credit, guarantee and insurance decision on U.S. employment and industries, including agriculture. The section also instructs the International Trade Commission to conduct a study for Congress of the Eximbank's effect on U.S. industries and employment.

Section 12 authorizes the Secretary of the Treasury to investigate foreign official export credit offers in the U.S. which violate international accords. The Secretary may request withdrawal of such offers. If the offers are not withdrawn and are likely to be the determining factor in a sale, the Eximbank may be permitted to match the offers.

Section 13 requires the President to report to Congress on efforts to achieve international environmental cooperation on nuclear exports (as required by Section 407 of the Nuclear Non-Proliferation Act) before unilateral U.S. environmental controls on nuclear exports become effective.

Section 14 provides that Eximbank spending authority must be pursuant to appropriations acts.

Section 15 prohibits Eximbank services on exports to South African government agencies. It permits Eximbank support on exports to pribuyers only if the purchasers observe the Sullivan Code principles qual racial treatment in employment.

ection 16 requires the Bank to support exports by small agribusiness anizations.

0 EXTEND AUTHORITY FOR FEDERAL RESERVE BANKS TO BUY AND SELL CERTAIN OBLIGATIONS

Public Law 95-534—H.J. Res. 816

r. 20, 1978—Full Committee ordered reported favorably by roll call ote of 39 yeas to 2 nays.
r. 26, 1978—Report filed. H. Rept. 95-1088.
y 2, 1978—Referred to Senate Committee on Banking, Housing and rban Affairs.
. 15, 1978—Passed Senate by voice vote.
t. 27, 1978—Signed by the President. Public Law 95-534.

H.J. Res. 816 amends the Federal Reserve Act to extend (renew) il April 30, 1979, the authority of the Federal Reserve Banks to rchase directly from the Treasury public debt obligations, that is igations fully guaranteed by the United States, up to a limit of $5 lion outstanding at one time.

NEW YORK FINANCIAL ASSISTANCE ACT OF 1978

Public Law 95-339—H.R. 12426

ay 3, 1978—Full Committee ordered reported favorably, as amended, by roll call vote of 32 yeas, 8 nays.
ay 10, 1978—Report filed, H. Rept. 95-1129, Pt. I.
ay 22, 1978—Report filed, Committee on Ways and Means. H. Rept. 95-1129, Pt. II.
ne 8, 1978—Passed House, amended, by a yea-and-nay vote of 247 yeas to 155 nays.
ne 9, 1978—Referred to the Senate Committee on Banking, Housing and Urban Affairs.
ne 23, 1978—Report filed. S. Rept. 95-952.
ne 29, 1978—Senate passed, amended, by a yea-and-nay vote of 53 yeas to 27 nays, asked for a conference and appointed conferees.
ly 10, 1978—House disagreed to Senate amendment, agreed to conference and appointed conferees.
ly 18, 1978—Conference Report filed. H. Rept. 95-1369.
ly 25, 1978—House agreed to Conference Report by roll call vote of 244 yeas to 157 nays, clearing measure for Senate action.
ly 27, 1978—Senate agreed to Conference Report by roll call vote of 58 yeas to 35 nays.
ug. 8, 1978—Signed by the President. Public Law 95-339.

This legislation authorizes the Secretary of the Treasury to guaran- e payment of interest and principal of up to $1.65 billion in aggre- ate principal amount of securities issued by or on behalf of New ork City over a 4-year period ending June 30, 1982. Guarantees are mited to securities purchased by New York City and State public employee pension funds, and may be of no longer than 15 years' duration. Only long-term securities may be guaranteed except for up to $325 million of short-term securities issued before Jan. 1, 1979, and maturing no later than June 30, 1979. Authority to guarantee short-term securities is conditioned on inability of City public employee pension funds to purchase such securities because of resultant loss of Federal tax-exempt status.

Authority to provide guarantees is apportioned by New York City fiscal years (July 1–June 30) in the following amounts: $500 million each in fiscal years 1979 and 1980, and $325 million each in fiscal years 1981 and 1982. Amounts are cumulative. The amounts for fiscal years 1980 and 1981 will not be available if either house of Congress passes a resolution of disapproval prior to the start of the respective fiscal year. The $325 million of authority in fiscal year 1982 may be used only if the City presents a budget for that year which is balanced in accordance with generally accepted accounting principles.

Issuers of guaranteed securities will be required to pay a fee of no less than one-half of one percent of outstanding principal amount guaranteed.

Conditions to the obtaining of guarantees include: Assurance that the unguaranteed portion of the City's financing needs over the 4-year period will be met; existence of an independent fiscal monitor authorized by State law to control the fiscal affairs of the City during the life of the guarantees; budgets balanced in accordance with relevant accounting principles for the life of the guarantees, with annually submitted 4-year plans for meeting the budgetary goals; annual independent audits of the City's financial statements and establishment of an audit committee; written agreement to audits by the General Accounting Office; maintenance by the State through fiscal year 1982 of annual financial assistance to the City in amounts at least equal to that provided in fiscal year 1979; a State-established reserve fund to be used in the event of City default; establishment by the City of a productivity council; requirement that the City attempt to market short-term notes starting in 1980, and long-term bonds starting in 1981; and set aside starting in fiscal year 1983 of 15 percent of proceeds annually of long-term borrowings in the public markets for retirement of guaranteed obligations. The latter two conditions are waivable by the Secretary of the Treasury.

In addition to the remedial rights of recovery and subrogation, the Federal liability is further protected by a requirement that the Secretary withhold Federal transfer payments due the City and State in the event of default, by establishment of a Federal priority right in the event of City insolvency (waivable), and by authority for the Secretary to bring civil action to force compliance with the Federal legislation or any related agreement.

The legislation authorizes appropriations of such sums as may be necessary beginning Oct. 1, 1978, and requires such appropriations before the Secretary may issue guarantees.

Title II provides that interest received on guaranteed obligations is subject to Federal income taxation and prohibits acquisition by the Federal Financing Bank of any guaranteed obligation.

The Secretary's authority to make guarantees terminates June 30, 1982.

TO PROVIDE THAT THE EXCHANGE STABILIZATION FUND SHALL NOT BE AVAILABLE FOR PAYMENT OF ADMINISTRATIVE EXPENSES; AND FOR OTHER PURPOSES

Public Law 95-612—S. 2093

Mar. 2, 1978—Report filed. S. Rept. 95-661.
Mar. 8, 1978—Passed Senate, amended, by voice vote.
Mar. 9, 1978—Referred to the House Committee on Banking, Finance and Urban Affairs.
May 3, 1978—Full Committee ordered reported favorably, amended, S. 2093.
May 10, 1978—Report filed. H. Rept. 95-1126.
June 23, 1978—Senate agreed to the House amendment to S. 2093, with Senate amendments.
Oct. 10, 1978—House agreed, with amendment, to Senate amendments to the House amendment, returning the measure to the Senate.
Oct. 11, 1978—House agreed to Senate amendments Nos. 2 and 3; and agreed, with amendment, to Senate amendent No. 1 to the House amendment. Earlier, the House vacated the proceedings of Oct. 10, whereby it agreed, with amendment, to the Senate amendments to the House amendments.
Oct. 13, 1978—Senate agreed to House amendments by voice vote, thus clearing the masure for the White House.
Nov. 8, 1978—Signed by the President. Public Law 95-612.

Section 1 of the bill would prohibit the use of ESF to pay administrative expenses. Beginning fiscal year 1979 the Treasury would seek appropriations for all administrative expenses associated with the Department's international affairs functions. Such expenses currently are paid from the ESF. Beginning in fiscal year 1979, the ESF would be available solely for financial and monetary transactions.

Section 2 would authorize the Secretary of the Treasury to provide benefits and allowances to Treasury representatives serving in foreign countries comparable to those paid to similar officers and employees of the State Department. Those benefits are currently provided to Treasury employees abroad through the ESF.

Section 3 would authorize an increase of 61 supergrade positions in the Department of the Treasury to be filled by personnel performing international affairs functions. Approximately that number of personnel are presently compensated at supergrade-equivalent levels from ESF resources. This section gives the Secretary of the Treasury authority initially to appoint personnel to these positions without regard to the Civil Service Commission's general authority to classify and determine the qualifications of personnel filling supergrade positions. However, when the person who has first filled such positions leaves the position, the Civil Service Commission's classification and qualification review procedures shall be applied in filling the position.

Section 4—Previous legislation had authorized U.S. representatives to the IMF, IBRD, IDB, and ADB to participate in certain civil service employee benefits and authorized the Secretary of the Treasury to use the ESF for contributions by the Treasury for that purpose. Section 4 includes U.S. representatives appointed to the African Development Fund as eligible for those employee benefits, and makes the agency contributions payable, beginning in fiscal year 1979, from Treasury appropriations rather than from the ESF.

Section 5 authorizes appropriation of $24,000,000 to carry out the international affairs functions of the Department of the Treasury.

Section 6 requires that the Secretary of the Treasury transmit to the Banking Committees of the House and Senate a monthly financial statement for the ESF, covering all transactions and agreements entered into by the ESF.

Section 7 establishes an effective date of Oct. 1, 1978, or such later date as funds are made available pursuant to appropriation acts.

HOUSING AND COMMUNITY DEVELOPMENTS AMENDMENTS OF 1978

Public Law 95-557—S. 3084, H.R. 12433

H.R. 12433

May 10, 1978—Full Committee ordered reported favorably, amended, by roll call vote of 40 yeas to 4 nays.

May 15, 1978—Report filed. H. Rept. 95-1161.

July 21, 1978—Passed House, amended, by a yea-and-nay vote of 270 yeas to 26 nays.

S. 3084

May 15, 1978—Report filed. S. Rept. 95-871.

July 20, 1978—Passed Senate, amended, by a yea-and-nay vote of 81 yeas to 3 nays.

July 24, 1978—S. 3084 passed House with an amendment that substitutes text of H.R. 12433, as passed by the House on July 21, 1978. Subsequently, H.R. 12433 was laid on the table. House insisted on its amendment, asked for a conference and appointed conferees.

July 26, 1978—Senate disagreed to the House amendment, agreed to a conference with the House and appointed conferees.

Oct. 13, 1978—Conference report filed. H. Rept. 95-1792.

Oct. 14, 1978—Senate agreed to conference report by yea-and-nay vote of 77 yeas to 8 nays.

Oct. 14, 1978—House agreed to conference report by division vote of 117 yeas to 6 nays.

Oct. 31, 1978—Signed by the President. Public Law 95-557.

Title I deals primarily with changes to the 312 rehabilitation loan program, FHA authority to insure rehabilitation loans and the Community Development Block Grant Program. The authorization for the 312 program would be increased from the present level of $60 million to $245 million for fiscal year 1970, priority for those loans would be given to low and moderate income homeowners or condominium and cooperative residents, and any improvements made with those loans would have to meet cost-effective energy standards. The bill would permit the HUD Secretary to establish interest rates at a level higher than 3 percent, but not in excess of the Government's cost of borrowing for a term similar to the section 312 loan term, for persons whose annual income exceeds 80 percent of the median income for the area and for multifamily loans. No more than $60 million of the authorization may be used for multifamily loans.

FHA would be given authority to insure loans made to rehabilitate, or to purchase and rehabilitate one-to-four family structures. GNMA would be authorized to purchase these loans.

Four changes would be made to the Community Development Block Grant Program. Community HAPs would have to include estimates of existing rental and owner-occupied dwelling units to be upgraded and preserved in estimating who could be expected to reside in a community for purposes of the HAP, a locality would be required either to use estimates of unemployed elderly and of persons who work or will work in the community or estimates based on a community accepted State or regional housing plan as approved by the Secretary. No community development application could be denied because it addresses one of the three main purposes of the Community Development Block Grant Program—to assist low and moderate income persons, to eliminate or prevent slums and blight and to meet urgent needs—to a greater or lesser degree than any other purpose. However, the application may be denied if the Secretary determines that the extent to which a primary purpose is addressed is plainly inappropriate to meeting the needs and objectives which are consistent with the communities' efforts to achieve the primary objective of the Act.

Title II deals primarily with housing assistance programs for low and moderate income persons and the elderly. A new program would be created to replace the 236 operating subsidy program and which is designed to improve the management and lower the operating costs of certain troubled multifamily projects in order to restore the financial stability, improve the management, and maintain the low and moderate income character of the project. $74 million in assistance for fiscal 1979 would be available to HUD insured and assisted 236 and 221(d)(3) below market interest rate projects that were structurally sound and, among other requirements, agreed to follow a management-improvement-and-operating plan designed to reduce operating costs. The annual level of assistance would be determined by the Secretary and could not exceed an amount necessary to correct deficiencies caused by deferred maintenance, to correct deficiencies in the capital replacement reserve funds, and to cover the difference between the estimated operating expenses and the annual revenues.

The conference report would authorize for fiscal year 1979 an appropriation of $1.195 billion for public housing and section 8 housing assistance payments. At least $50 million of that amount would be set aside for the modernization of public housing projects.

The set-asides provided under existing law of section 8 funds for projects financed by State housing finance agencies and for section 202 projects for the elderly, would be deleted as of Oct. 1, 1978. The bill will further amend the section 8 program to provide assistance to low income mobile home owners who rent the lot on which their mobile home is located. The assistance payments would only be made available for the lot rental. $12 million would be authorized for a public housing security demonstration program. Where cost-effective and economically feasible, solar energy systems would be permitted in residential housing assisted through the section 8, section 202, and section 312 programs.

Title III would amend various FHA insuring authorities. Among other provisions, it would extend the authority of the Secretary to provide FHA mortgage insurance for an additional year, through September 1979, and to provide crime insurance, riot reinsurance and flood insurance for an additional 2 years through September 1980. $57 million would be authorized for section 701 comprehensive planning and $62 million would be authorized for HUD research programs. The State FAIR Plan Requirements would be changed so that (1) no risk covered by a FAIR Plan could be insured at a rate higher than that set by the responsible State agency for property insurance in the voluntary market, and (2) one-third of the voting members of the State Advisory Boards which establish FAIR Plans must not be affiliated with the insurance industry. FHA insurance would be available for one-family condominium units in existing non-FHA insured multifamily projects containing 12 or more units.

The conference report would extend for an additional three months the date for submission of the study prepared by the National Commission on Neighborhoods.

The bill would authorize mortgage bankers to sell mortgage loans directly to the Federal Home Loan Mortgage Corporation and would clarify the authority of the Corporation to specify the necessary requirements to be set for eligible mortgage banker sellers. The limits for various FHA multifamily mortgages and for mortgages eligible for purchase by GNMA under the special assistance program would be raised. Another provision permits the refinancing of the existing debt of an existing hospital under section 223(f) of the National Housing Act when among other conditions, the refinancing is used to lower the debt service costs and to repay existing indebtedness.

Finally, Title III would establish a precise and strict procedure whereby the Banking Committee of either the House or of the Senate could require the Secretary of HUD to submit all proposed rules or regulations to those Committees 15 days prior to initial publication for comment in the Federal Register. If either Committee then reported out a resolution of disapproval or a legislative modification of such regulation, within 20 days after final publication of that regulation, the questionable regulation would not become effective for an additional period of 90 days. During this 90-day period, the Congress could pass legislation nullifying the regulation.

Title IV would raise the authorization amounts for various rural housing programs, would direct the Secretary of Agriculture to conduct research and demonstration programs related to special rural needs including those of migrant and settled farm workers and those of owners of property subject to remote claims. This title would also authorize a new deep subsidy home ownership program for persons who could not afford the existing FmHA 502 or 517 programs. The assisted person would have to contribute 25 percent of his income. Some or all of the assistance provided under the new and the existing FmHA home ownership programs will be recaptured by the Secretary when the property is sold. The Secretary is also authorized to waive the credit elsewhere requirement to migrant farm worker housing in areas where no public or private nonprofit sponsor is available and the loan is necessary to provide such housing.

Title V would create a new program by authorizing a total of $120 million over the next 4 years for the Secretary of HUD to contract with public housing agencies and nonprofit sponsors of section 202 housing for the elderly and handicapped for a term of 3 to 5 years to provide congregate services programs for handicapped and elderly persons living in those projects. The services would include nutritional meals, housekeeping aid, and personal assistance.

Title VI would create a public corporation, the Neighborhood Reinvestment Corporation, which would be required to implement and expand the demonstration activities carried out by the urban reinvestment task force. $12.5 million would be authorized for fiscal 1979.

Title VII contains miscellaneous provisions including those which would direct the Secretary of HUD to study the displacement problem, and to develop housing rehabilitation guidelines; revise the Interstate Land Sales Full Disclosure Act to provide an exemption for fully improved single family subdivisions in areas which have approved minimum development standards. The title also requires HUD and the Veterans' Administration to reduce paperwork by consolidating a number of forms and to complete cost-benefit analyses of future departmental reorganizations.

Title VIII authorizes a new program to provide grants and other assistance to qualified neighborhood organizations to undertake neighborhood conservation and revitalization projects which are consistent with the objectives of local governments. The program is authorized at a level not to exceed $15 million for each of fiscal years 1979 and 1980, and is entitled the neighborhood self-help development program.

Title IX authorizes a new program to provide assistance to States, local governments, neighborhoods, and other organizations to assist these groups in providing a more suitable living environment, expanding cultural opportunities, and stimulating economic opportunities primarily for the low and moderate income residents of communities and neighborhoods in need of conservation and revitalization. Grants would go primarily to community-based arts programs which are supported by local communities. The livable cities program is authorized at a level not to exceed $5 million for fiscal year 1979 and $10 million for 1980.

ELECTRONIC FUND TRANSFER ACT

H.R. 13007

June 15, 1978—Full Committee ordered reported favorably by voice vote.

June 21, 1978—Report filed. H. Rept. 95–1315.

Aug. 11, 1978—Passed House by a yea-and-nay vote of 314 yeas to 2 nays.

Aug. 14, 1978—Referred to Senate Committee on Banking Finance and Urban Affairs.

(For final action see H.R. 14279, Title 20, Public Law 95–630.)

There is a need for a basic framework for EFT transactions and consumer protection because although EFT offers new payment services, existing consumer protection law on EFT is incomplete. Wisconsin and only a few other States have consumer protection laws on electronic fund transfers.

The bill would cover EFT services such as telephone bill-paying services, 24-hour cash dispensing machines, point of sale transactions, direct deposit of salary and pre-authorized payments. There are specified exceptions to the inclusion of these services, i.e., direct deposits of social security payments are excluded.

Institutions are required to disclose in writing, clearly and in readily understandable terms, the terms and conditions of EFT accounts including the institutions' and account holders' liabilities, rights and duties. The Board shall issue model disclosure forms.

The bill provides for consumers to be protected from financial loss in their use of EFT services:

(1) an account holder's liability for unauthorized transfers is limited to no more than $50.00 (this is similar to the $50 limit on credit card losses), this is subject to specified exceptions such as consumer fraud,

(2) prompt error correction is required,

(3) requirements for transaction confirmations and monthly periodic statements are set forth and such confirmations and periodic statements constitute prima facie evidence of the transaction,

(4) financial institutions are required to assume liability for proximately caused damages for failure to carry out transfers, but exceptions are made including excepting damages from technical malfunctions caused by circumstances beyond its control providing the institution used care,

(5) false or misleading advertising is prohibited,

(6) no one is permitted to force an individual to establish an account to receive electronic fund transfers as a condition of employment or as a condition of a Government benefit,

(7) waiver of the bill's rights by contract is prohibited,

(8) provision is made for when EFT account information can be released to third party,

(9) unsolicited validated debit cards or other means of access are prohibited,

(10) no seller may impose a surcharge on any individual who elects to pay for consumer goods, property, or services by cash, check, or similar means rather than by an electronic fund transfer; but any seller may offer a discount to induce any individual to pay for consumer goods, property or services by means of an electronic fund transfer, check or cash.

The bill provides civil penalties consistent with those already in the Truth in Lending Act. The *civil remedy* for an action would be actual damages; plus statutory damages of: in an individual action a minimum of $100 and a maximum of $1,000 while class action statutory damages would be limited to the lesser of $500,000 or 1% of the person's net worth; plus reasonable attorney fees and court cost. The *criminal penalty* for a willful and knowing violation with intent to defraud would be not more than $5,000 or not more than one year imprisonment or both.

The bill would provide for enforcement by the appropriate financial regulatory agencies with the Federal Trade Commission enforcing the bill for all others. The measure would permit the Board to exempt States with substantially similar State laws that also have adequate provision for enforcement.

The Board would write regulations to implement the legislation.

The title would only supersede State law to the degree it is inconsistent with this title.

The title would go into effect 1 year after enactment. However, the sections on limiting consumer liability for unauthorized transfers and on prohibiting unsolicited validated debit cards would go into effect immediately upon enactment.

TO AUTHORIZE THE ISSUANCE OF SUBSTITUTE TREASURY CHECKS WITHOUT UNDERTAKINGS OF INDEMNITY

Public Law 95-380—H.R. 13087

June 20, 1978—Full Committee ordered reported favorably by roll call vote of 37 yeas to 0 nays.
June 23, 1978—Report filed. H. Rept. 95-1320.
July 10, 1978—Passed House by a yea-and-nay vote of 375 yeas to 0 nays.
July 11, 1978—Referred to Senate Committee on Governmental Affairs.
Sept. 6, 1978—Report filed. S. Rept. 95-1176.
Sept. 12, 1978—Passed Senate by voice vote.
Sept. 22, 1978—Signed by the President. Public Law 95-380.

H.R. 13087 authorizes the Treasury to issue substitute checks to replace U.S. Government checks which are lost, stolen, destroyed, mutilated, or defaced without the undertaking of indemnity by the payee, except as the Secretary of the Treasury may require.

SMALLER ONE-DOLLAR COIN

Public Law 95-447—S. 3036

H.R. 12728

Sept. 7, 1978—Full Committee ordered reported favorably, amended, by a roll call vote of 38 yeas and 1 nay.
Sept. 18, 1978—Report filed. H. Rept. 95-1576.
Sept. 26, 1978—Passed House by yea-and-nay vote of 368 yeas to 38 nays. Subsequently, passage vacated and S. 3036 passed in lieu.
Oct. 10, 1978—Signed by the President. Public Law 95-447.

S. 3036

Aug. 16, 1978—Report filed by Senate Banking Committee. S. Rept. 95-1120.
Aug. 22, 1978—Senate passed, by voice vote, with committee amendments and cleared for the House.
Sept. 6, 1978—Referred to the House Committee on Banking, Finance and Urban Affairs.

S. 3036 would reduce the size of the one-dollar coin from 1.5 inches to 1.043 inches, or slightly larger than the present quarter. It would reduce the weight of the coin from 22.68 grams to 8.1 grams.

It provides that the likeness of Susan B. Anthony shall appear on the obverse of the coin. S. 3036 would amend existing law in order to enable the Secretary of the Treasury to continue the current Eisenhower-Apollo 11 statutory design on the 40 percent silver-clad dollar. It would further authorize the Secretary to continue minting the current EisenhowerApollo 11 cupro-nickel clad dollars for circulation throughout 1978 in order to assure an orderly transition.

GENERAL EAKER NATIONAL MEDAL

Public Law 95-438—S. 425

May 12, 1977—Report filed by Senate Committee on Banking, Housing and Urban Affairs. S. Rept. 95-139.
May 13, 1977—Passed Senate by voice vote.
May 16, 1977—Referred to Committee on Banking, Finance and Urban Affairs.
Aug. 14, 1978—Full Committee ordered reported favorably by voice vote.
Sept. 21, 1978—Report filed. H. Rept. 95-1063.
Sept. 26, 1978—Passed House by voice vote.
Oct. 10, 1978—Signed by the President. Public Law 95-438.

S. 425 would authorize the President to present on behalf of Congress a gold medal to Lieutenant General Ira C. Eaker, U.S. Air Force (retired), in recognition of his distinguished career as an aviation pioneer and Air Force leader. The Secretary of the Treasury is authorized to strike bronze duplicates of the medal for sale to the public. The medals provided for shall be National Medals.

ROBERT F. KENNEDY NATIONAL MEDAL

Public Law 95-560—H.R. 8389

Aug. 14, 1978—Full Committee ordered reported favorably by voice vote.
Sept. 21, 1978—Report filed. H. Rept. 95-1601.
Sept. 26, 1978—Passed House by voice vote.
Sept. 28, 1978—Referred to Senate Committee on Banking, Housing and Urban Affairs.
Oct. 10, 1978—Report filed. S. Rept. 95-1316.
Oct. 14, 1978—Passed Senate, amended, voice vote. (Legislative day.)
Oct. 15, 1978—House disagreed to Senate amendments, voice vote. (Calendar day.)
Oct. 15, 1978—Passed Senate, voice vote.
Nov. 1, 1978—Signed by the President. Public Law 95-560.

H.R. 8389 authorizes the President to present, in the name of Congress, a gold medal to Mrs. Robert F. Kennedy, in recognition of the services which her late husband gave to the Government and the people of the United States. The Secretary of the Treasury is authorized to strike bronze duplicates of the medal and make them available for sale to the public. The medals provided for shall be National Medals.

EXPORT-IMPORT BANK EXTENSION

Public Law 95-407—H.J. Res. 1140

Sept. 28, 1978—Passed House by voice vote.
Sept. 29, 1978—Passed Senate by voice vote.
Sept. 30, 1978—Signed by the President. Public Law 95-407.

H.J. Res. 1140 would provide a simple extension of authority for the Export-Import Bank from its present expiration date of Sept. 30, 1978 to Dec. 31, 1978.

EXTENSION OF FHA MORTGAGE INSURANCE, NATIONAL FLOOD INSURANCE, CRIME INSURANCE AND RIOT REINSURANCE, CERTAIN RURAL HOUSING AUTHORITIES

Public Law 95–406—S.J. Res. 165

Sept. 29, 1978—Passed House by voice vote.
Sept. 29, 1978—Passed Senate by voice vote.
Sept. 30, 1978—Signed by the President, Public Law 95–406.

S.J. Res. 165 would provide for a temporary extension of certain HUD FHA mortgage insurance and related authorities, of the National Flood Insurance Programs, and for certain rural housing authorities. The resolution would extend these authorities through Oct. 31, 1978.

FINANCIAL INSTITUTIONS REGULATORY AND INTEREST RATE CONTROL ACT

Public Law 95–630—H.R. 14279

Oct. 11, 1978—Passed House by voice vote.
Oct. 11, 1978.—Received in the Senate, indefinitely postponed by voice vote.
Oct. 12, 1978—Senate passed, amended, by voice vote.
Oct. 15, 1978—House concurred, with amendments, in the Senate amendments. (See H. Res. 1439.) (Calendar day.)
Oct. 15, 1978—Senate agreed to House amendments to Senate amendments.
Nov. 10, 1978—Signed by the President. Public Law 95–630.

Title I—Supervisory Authority Over Depository Institutions: Provides the financial institution supervisory agencies with additional powers over depository institutions. These powers are civil money penalties for violations of laws, regulations, and cease-and-desist orders; improved cease-and-desist authority: authority to require depository institution holding companies to divest nondepository subsidiaries if those subsidiaries are causing damage to the depository institution subsidiaries of holding companies. Limitations are placed on insider loans by commercial banks—executive officers and major stockholders are limited to loans to themselves, their affiliated companies, and their political committees which, in the aggregate, total no more than 10 percent of the capital accounts of the banks; overdrafts to directors and executive officers are prohibited; and all insider loans must be nonpreferential as to terms and conditions. Removal and suspension of financial institution insiders who threaten the safety and soundness of financial institutions is made easier while at the same time requiring the agencies to provide due process for individuals so affected.

Title II—Interlocking Directors: Prohibits interlocking directors among depository institutions (banks, savings and loan associations, credit unions, and mutual savings banks) which are in the same standard metropolitan statistical area; or in the same city, town, or village if not in an SMSA. The title also would prohibit such interlocks for large financial institutions regardless of their location.

Title III—Foreign Branching: Makes changes in the Federal Deposit Insurance Act requested by the Federal Deposit Insurance Corporation. These changes include giving the FDIC authority to approve foreign branches of State nonmember insured banks; providing expanded subpena power for bank supervisory agencies in carrying out investigations and examinations; giving FDIC authority to write regulations for laws which they enforce; providing protection for examiners against intimidation and threats; and several technical changes in statutes dealing with reports of condition of banks and the insurance of accounts.

Title IV—American Arts Gold Medallions: Provides for striking and public sale of gold medallions commemorating outstanding individuals in the American arts. (See H.R. 13567 in Public Bills section.)

Title V—Credit Union Restructuring: Upgrades the agency which supervises insured credit unions by creating a three-member board (the National Credit Union Administration Board) and makes technical and conforming changes in the credit union statutes to reflect the creation of the board.

Title VI—Change in Bank Control Act: Provides for prior notice to the appropriate banking agency of any proposed change of control of an insured bank or bank holding company. The agencies would have 60 days to review the information contained in the notice and could within that time period disapprove the proposed acquisition based on criteria specified in the title.

Title VII—Change in Savings and Loan Control Act: Provides for prior notice to the Federal Home Loan Bank Board of any proposed change of control of an insured savings and loan institution or savings and loan holding company. The Federal Home Loan Bank Board would have 60 days to review the information contained in the notice and could within that time period disapprove the proposed acquisition based on criteria specified in the title.

Title VIII—Correspondent Accounts: Prohibits the preferential treatment in the granting of loans to insiders where correspondent relationships exist. The banking agencies could levy civil money penalties for violations of the nonpreferential treatment provision. Each executive officer and major stockholder would be required to report annually to his board of directors the details of loans received from correspondent banks. Each bank would provide that information to the bank regulatory agencies. Each bank would also provide in a publicly available annual report a list of each insider receiving loans from correspondent banks and an aggregate amount for all such loans.

Title IX—Disclosure of Material Facts: Requires each insured bank to report annually a list of its major stockholders and the aggregate amount of all its loans to officers or major stockholders, their affiliated companies, and their political or campaign committees. The information required to be provided to the public in title VIII would be included in this report.

Title X—Federal Financial Institutions Examination Council: Establishes an examination council composed of top officials of the FDIC, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Home Loan Bank Board, and the National Credit Union Administration. The council would develop uniform standards for examinations of financial institutions and improve coordination among the agencies on a variety of supervisory matters.

Title XI—Right to Financial Privacy: Gives individuals notice of, and a chance to challenge, Federal Government agency requests for their bank records. Access to individual bank records would be governed by the procedures provided by the title and would guarantee that the customer knows who is looking at his records. The agencies would be required to follow the procedures established by this title when they seek an individual's records and to provide a cost reimbursement to the financial institution providing the documents.

Title XII—Charters for Thrift Institutions: Provides mutual savings banks the option of seeking a Federal charter from the Federal Home Loan Bank Board. This gives these institutions the same option now available to commercial banks, credit unions, and savings and loans.

Title XIII—NOW Accounts: Amends Public Law 93-100 to allow NOW accounts in the state of New York. (See H.R. 8981 in Public Bills section.)

Title XIV—Insurance of IRA and Keogh Accounts: Increases the deposit insurance for IRA and Keogh accounts from the present $40,000 to $100,000.

Title XV—Miscellaneous provisions: Extends the prohibition on merchant credit card surcharges for two years; extends the FHA experimental mortgage program to Massachusetts; defines "community" for depository institutions serving military personnel; and clarifies the authority of the Comptroller of the Currency to issue a national bank charter limited to the exercise of trust powers.

Title XVI—Interest Rate Control: Extends Regulation Q, which sets interest rate ceilings on savings accounts, for two years, and eliminates the differential on savings accounts linked to a transaction account through an automatic transfer of funds. (See H.R. 14044 in Public Bills section.)

Title XVII—Savings and Loan Investment Authority: Restates the investment authority of Federal savings and loan associations with four substantive changes in that authority. Section 5(c) of the Home Owners' Loan Act of 1933 is the basic statute governing the operation of federally chartered savings and loans. The title simplifies this section and makes four substantive changes in savings and loan association authority. The changes are:

First. An updating of the authority of savings and loans to invest in community development assistance areas.

Second. A clarification and enhancement of the authority of savings and loans to invest in loans for property alteration, repair, or improvement.

Third. A revision and expansion of the authority to invest in obligations issued by State or local governments for the purposes of rehabilitation, financing or construction of residential real property.

Third, A revision and expansion of the authority to invest in obligations issued by State or local governments for the purposes of rehabilitation, financing or construction of residential real property.

Fourth. An effort to encourage Federal savings and loans to work in cooperation with State and local governments by placing in the unlimited investment category the authority for associations to invest in or lend to State housing corporations provided that the obligations are secured by real estate insured under the provisions of the National Housing Act. (See H.R. 14044 in Public Bills section.)

Title XVIII—National Credit Union Central Liquidity Facility: Creates a central liquidity Facility for the nation's fast-growing credit unions. It will be operated by the National Credit Union Administration. Major provisions include:

The Facility will make emergency, seasonal and long-term loans to credit unions, but will not be used as a counter-cyclical funds.

Membership will be voluntary. Credit unions primarily serving natural persons may be Regular members by purchasing CLF stock. Credit unions primarily serving other credit unions may be Agent members by purchasing CLF stock and agreeing to submit to NCUA regulations and supervision, and to perform intermediary functions on behalf of the CLF. Credit unions join by paying in one-half of one percent of their capital for the purchase of stock.

The title authorizes a member credit union to apply to the CLF for extensions of credit to meet its liquidity needs, and enables the CLF to extend the needed credit on whatever terms and conditions are appropriate. The Treasury Department is also authorized to lend to the CLF up to $500 million if the CLF does not have sufficient funds to meet the credit union liquidity needs.

It authorizes NCUA to manage the CLF, to promulgate regulations needed to operate the CLF, and to borrow from outside sources so long as borrowings do not exceed 12 times the subscribed capital stock and surplus of the CLF. The Administrator may also borrow up to $500 thousand from the NCUA Share Insurance Fund to cover start-up expenses and is authorized to represent the CLF in court, hire additional staff, and enter into contracts.

It authorizes the GAO to conduct full and unrestricted audits of the CLF. (See H.R. 14044 in Public Bills section.)

Title XIX—Export-Import Bank Act Amendments: Extends the Export-Import Bank for 5 years and increases its financing authority from $25 billion to $40 billion. Other provisions include:

The Bank should not deny applications for non-financial or non-commercial considerations except "where the President determines that such denial would be in the national interest and where such action would clearly and importantly advance U.S. policy in such areas as international terrorism, nuclear, proliferation, environmental protection and human rights."

With regard to South Africa, however, the Bank is prohibited from extending support of any export which enables the South African government to maintain apartheid; for exports to a government buyer unless the President determines that progress has been made toward eliminating apartheid; or to private purchasers unless the Secretary of State certifies, that the purchaser has endorsed and is implementing certain fair labor standards.

Under certain circumstances, to meet foreign government-supported export credit competition, the Secretary of the Treasury may authorize the Bank to provide financing in support of sales in the United States by U. S. suppliers.

The Bank shall give emphasis to assisting small business in export in the agricultural market, and assure that adequate financing is available for agricultural exports.

The Bank shall see that full consideration is given to possible adverse effects on U.S. industries, employment and agriculture of Bank financing.

Instructs the Administration to expand negotiations with U.S. trading partners "to end predatory export financing programs."

Increases to $100 million, from $60 million, the size of loan cases which the Bank must submit to Congress for review, and allows 25 days for review if Congress is in session or 35 calendar days if either House is in adjournment for 10 days or more. (See H.R. 12157 in Public Bills section.)

Title XX—Electronic Fund Transfers: Establishes the rights, remedies and responsibilities for all participants in the use of Electronic Fund Transfer services. Other provisions include:

The bill covers EFT services such as telephone bill paying, twenty-four hour cash dispensing machines, point of sale transactions, and direct deposit of salary and preauthorized payments.

Institutions would be required to disclose in clear terms the rights and liabilities of account holders. The Federal Reserve Board shall issue model disclosure forms.

Consumers would be protected from financial loss by numerous provisions, including a $50 limit on liability for unauthorized transfers, subject to specific exceptions, such as consumer fraud. Distribution of unsolicited validated EFT cards or other means of access would be prohibited.

Financial institutions will be liable for damages caused by failure to carry out transfers, with certain exceptions such as malfunctions beyond the institution's control. (See H.R. 13007 in Public Bills section.)

Title XXI provides the effective date for the legislation.

CONGRESSIONAL RESOLUTION PASSED

H. Con. Res. 133—February 20, 1975, Mr. Rees, to lower interest rates

Feb. 25, 1975—Rept. filed. H. Rept. No. 94–20.
Mar. 4, 1975—Passed House by yea-and-nay vote of 367 yeas to 55 nays.
Mar. 17, 1975—Senate report filed. S. Rept. No. 94–38.
Mar. 17, 1975—Passed Senate by unanimous vote of 86 yeas.
Mar. 19, 1975—Conference report filed. H. Rept. No. 94–91.
Mar. 20, 1975—Senate agreed to conference report.
Mar. 24, 1975—House agreed to conference report by a yea-and-nay vote of 335 yeas to 46 nays.

H. Con. Res. 133, introduced in the 94th Congress, provided for quarterly hearings with the Federal Reserve Board to be held before the House and Senate Banking Committees. Pursuant to this resolution, the following hearings on the Conduct of Monetary Policy were held before the House Committee on Banking, Finance and Urban Affairs during the 95th Congress.

(For further action, see H.R. 9710 (Public Law 95–188) in Public Bills Section.)

Bills Reported But Not Enacted

RENEGOTIATION REFORM ACT

H.R. 5959

May 4, 1977—Full Committee ordered favorably reported, amended, by roll call vote of 28 yeas to 15 nays.
May 9, 1977—Report filed. H. Rept. 95-270.
June 14, 1977—Rules committee granted rule.

H.R. 5959 makes the following major changes in the Renegotiation Act of 1951:

(1) The authority of the Renegotiation Board to examine new cases of excess profits is extended to Dec. 31, 1982.

(2) Renegotiation Board members are given 5-year staggered terms. No more than three members may be from the same party.

(3) It requires that renegotiation be conducted by division and by major product lines within a division. The Board is given discretion to waive the product line requirement, in specific cases, for contractors whose total yearly renegotiable sales do not exceed $10 million.

(4) It eliminates the exemption for standard commercial services, services reasonably comparable to standard commercial services, standard commercial classes of articles and modifies that exemption for standard commercial articles.

(5) It repeals the exemption for unrefined products of oil and gas wells and eliminates the corresponding cost allowance for integrated producers of oil and gas.

(6) It provides penalties of $100 per day ($100,000 maximum) for contractors who knowingly fail or refuse to file required data with the Board.

(7) It provides that interest on excessive profits accrue from the last day of the fiscal year in which the excessive profits are realized.

(8) It enlarges the administrative responsibility of the Board and increases his salary.

(9) It authorizes a majority of the Board to issue subpenas.

(10) It requires audits of all financial statements submitted to the Board by contractors.

(11) It requires the GAO to conduct an annual review of the operations and activities of the Board.

(12) It increases the minimum filing floor for contractors and subcontractors to $5 million.

FEDERAL RESERVE REFORM ACT

H.R. 8094

July 28, 1977—Full Committee ordered favorably reported, as amended, by roll call vote of 40 ayes, 0 nays.
Aug. 2, 1977—Report filed. H. Rept. 95-559.
Sept. 12, 1977—House passed, amended, by voice vote.
Sept. 13, 1977—Referred to Senate Committee on Banking, Housing and Urban Affairs.
(See, H.R. 9710).

Section I

Establishes clear guidelines for the conduct of monetary policy and makes permanent and expands the congressional-Federal Reserve quarterly dialogue on monetary policy.

Requires the Board of Governors and the Federal Open Market Committee to maintain the long-run growth of the monetary and credit aggregates commensurate with the economy's production potential to promote maximum employment, stable prices and moderate long-term interest rates.

Establishes quarterly hearings in law. Requires the Fed in testifying on its monetary growth targets to "take account of past and prospective developments in production, employment and prices." The bill, in report language, "requires discussion of such matters as fiscal policy, monetary velocity and interest rates, but does not require the Federal Reserve to make explicit projection with respect to these matters," and notes that "interest rates will inevitably be part of the discussion."

Section II

Broadens the economic interest of Federal Reserve directors.

Leaves Class A directors as they are—bankers. Designates Class B directors as "public" and broadens qualifications from the present "commerce, agriculture, or some other industrial pursuit" to "with due but not exclusive consideration to the interests of agriculture, commerce, industry, services, labor and consumers." The same categories will apply to the Class C directors, who will continue to be chosen by the Board of Governors.

Requires that directors shall be chosen "without discrimination on the basis of race, creed, color, sex or national origin."

Section III

Requires Senate confirmation of the Chairman of the Board of Governors, and coordinates the chairmanship with the term of the President.

Requires Senate confirmation beginning Feb. 1, 1982 of the Chairman and Vice Chairman of the Board. Provides for the 4-year terms of these officials to begin one year after the President takes office, again effective Feb. 1, 1982.

Section IV

Prevents conflicts of interest.

Extends to Federal Reserve Bank officials, employees and directors the same conflict of interest provisions now applying to other Federal agencies—namely, that they may not participate in any matter in which they or a member of their family or business have an interest, except with full disclosure and an official determination that the interest is not substantial.

(See H.R. 9710 (Public Law 95–188) in Public Bills section.)

FIRE PREVENTION STUDY ACT OF 1978

H.R. 7684

Mar. 20, 1978—Report filed by Committee on Interstate and Foreign Commerce. H. Rept. 95–989, Pt. I.

May 10, 1978—Full committee ordered reported favorably by roll call vote of 27 yeas to 11 nays.

May 15, 1978—Report filed by Committee on Banking, Finance and Urban Affairs. H. Rept. 95-989, Pt. II.

June 8, 1977—Introduced jointly to the Committees on Interstate and Foreign Commerce and Banking, Finance and Urban Affairs.

Mar. 20, 1978—Report filed by the Committee on Interstate and Foreign Commerce. H. Rept. 95-989, Part I.

May 10, 1978—Committee on Banking, Finance and Urban Affairs favorably reported bill.

May 15, 1978—Report filed. H. Rept. 95-989, Part II.

The Flammable Fabrics Act is amended to provide that the Secretary of Commerce, acting through the Administrator of the National Fire Prevention and Control Administration, shall conduct a study relating to fire prevention and control standards.

In doing so, the Secretary shall: review local fire prevention codes; determine the appropriate role of the Federal Government in fire prevention; whether Federal assistance programs are necessary and feasible; whether a Federal fire code is necessary or feasible; determine the types of structure which would be subject to such a Federal fire code, and whether interior furnishings should be included in such a code; study what provisions should be included in the Federal code, and any other aspects of fire prevention necessary to valuate the feasibility and necessity of greater Federal involvement.

The Secretary shall report to both Houses of Congress no later than the earlier of (1) one year after the appropriated funds are made available or (2) two years after the bill's effective date.

$500,000 is authorized to carry out this study for Fiscal Year 1979.

TO AUTHORIZE U.S. CONTRIBUTION TO INTERNATIONAL TIN BUFFER STOCK

H.R. 9486

April 17, 1978—Report filed by Committee on International Relations. H. Rept. 95-1057, Pt. I.

May 31, 1978—Report filed by Committee on Armed Services. H. Rept. 95-1057, Pt. II.

June 1, 1978—Full Committee ordered reported favorably, as amended, by roll call vote of 33 yeas to 7 nays.

June 1, 1978—Report filed. H. Rept. 95-1057, Pt. III.

Sept. 25, 1978—Passed House by a yea and nay vote of 308 yeas to 75 nays, amended.

Sept. 28, 1978—Referred jointly to the Senate Committees on Armed Services and Foreign Relations.

(For final action see H.R. 13750, House Conference Report 95-1807 in Public Bills section.)

H.R. 9486, a bill "to authorize a contribution by the United States to the Tin Buffer Stock established under the Fifth International Tin Agreement", was referred sequentially to the Banking and Armed Services Committees on April 17, following initial approval by the International Relations Committee. The Banking Committee had until June 1 to consider the bill. It was referred to this committee because of the committee's concern with the potential favorable or unfavorable impact on the nation's inflation problem of international commodity agreements of which the United States is a member.

The Subcommittee on Economic Stabilization approved the bill with an amendment by a vote of 13 to 1 on May 18, following a hearing. The full committee approved the bill, with an additional amendment, by a vote of 33 to 7 on June 1.

The bill authorizes the President to transfer to the tin buffer stock of the International Tin Agreement up to 5,000 tons of the excess tin in the national strategic stockpile. The purpose of the buffer stock is to stabilize world tin prices by purchasing tin when the price is at the lower limit established by the International Tin Council and selling tin when the price is at the upper limit established by the Council. At the time of committee consideration, the buffer stock had sold all its tin and the price was above the ceiling set by the Council. The purpose of the U.S. contribution, which is voluntary under the terms of the agreement, was to make the buffer stock a more effective instrument for stabilizing the world price of tin.

One amendment adopted by the Banking Committee would make clear that the contribution of tin to the international buffer stock would not impair the right of the United States to sell additional excess tin from the stockpile unilaterally. The other amendment would prohibit the U.S. contribution to the buffer stock until the world price is again within the bands established by the International Tin Council.

FINANCIAL INSTITUTIONS REGULATORY ACT OF 1978

H.R. 13471

H.R. 13471

July 18, 1978—Full Committee ordered reported favorably by roll call vote of 34 yeas to 5 nays.

July 20, 1978—Report filed. H. Rept. 95–1383.

Oct. 5, 1978—Consideration in Committee of the Whole House, but Committee came to no resolution thereof.

(For further action see H.R. 14279, titles 1 through 3 and 5 through 12, Public Law 95–360.)

S. 71

June 30, 1977—Report filed. S. Rept. 95–323.

Aug. 5, 1977—Passed Senate, amended, by voice vote.

Sept. 7, 1977—Referred to Committee on Banking, Finance and Urban Affairs.

Title I provides the financial institution supervisory agencies with improved and additional powers are depository institutions (civil money penalties, cease-and-desist orders, removal and suspension of insiders) and places limitations on insider loans by commercial banks.

Title II prohibits interlocking directors among depository institutions in the same geographic area and for large financial institutions regardless of geographic area.

Title III improves the Federal Deposit Insurance Act (i.e. FDIC approval of foreign branches of State nonmember banks, subpoena power of supervisory agencies, protection for examiners and other supervisory personnel).

Title IV places restrictions on officials of the FDIC, the Federal Reserve Board, Comptroller of the Currency and Federal Home Loan Bank Board on post-employment activities.

Title V creates a three-member board to supervise insured credit unions.

Title VI provides banking agencies prior notice of proposed change in control of insured bank or holding company and gives authority to disapprove the acquisition on criteria specified in title.

Title VII provides FHLBB prior notice of proposed change in control of insured savings and loan or holding company and gives authority to disapprove the acquisition on criteria specified in title.

Title VIII prohibits preferential treatment in granting of loans to insiders where correspondent relationship exists and requires reporting of such loans by insiders and banks.

Title IX requires banks to report a list of major stockholders and aggregate amount of insider loans to agencies and public.

Title X establishes a Federal Financial Institutions Examination Council to develop standards of examination and improve coordination among agencies.

Title XI gives individuals notice of, and a chance to challenge, Federal agency requests for their bank records and establishes procedures to govern access to individual bank records.

Title XII provides mutual savings banks the option of seeking a Federal charter from the FHLBB.

Title XIII prohibits bank holding companies from providing insurance as a principal, agent or broker with certain exceptions.

Title XIV improves the National Banking Act (i.e. extends time national banks must divest real estate owned, Comptroller authority to delegate and make rules, allows national bank investments in banker's banks).

Title XV terminates the National Bank Closed Receivership Fund.

Title XVI allows federal thrift institutions to offer transaction accounts.

Title XVII requires supervisory agencies to simplify regulations.

Title XVIII allows federal thrift institutions to offer alternative mortgage instruments in states where state thrifts can offer such instruments.

Title XIX permanent prohibition on credit card surcharges by merchants.

Title XX provides effective date.

HISTORIC PROPERTIES IMPROVEMENT LOAN INSURANCE ACT OF 1978

H.R. 12900

Sept. 7, 1978—Full Committee ordered reported favorably by voice vote.

Sept. 20, 1978—Report filed. H. Rept. 95-1591.

H.R. 12900 would broaden the existing Title I FHA Property Improvement Loan Program for historic properties. The bill amends Title I of the National Housing Act, for the purpose of allowing the Historic Preservation Loan Program to be used for the preservation of commercials, as well as residential, property, and expands the definition of a historic structure.

In general, this amendment provides that the term "historic structure" will include structures either listed in the National Register of

Historic Places or certified by the Secretary of the Interior as being of historic significance to the registered historic district in which the structure is located. A registered historic district will be either a district listed in the National Register of Historic Places, or a district which is designated under an appropriate State or local statute approved by the Secretary of the Interior and which is certified by such Secretary as meeting substantially all of the requirements of districts listed in the National Register. The term "preservation" will mean restoration of rehabilitation consistent with the historic character of the structure or the district in which it is located, as determined by the Secretary of the Interior.

The bill makes further changes in the Title I Historic Preservation Loan Program. As a result of the Emergency Home Purchase Act of 1974, FHA now insures loans, financing the preservation of historic structures, which do not exceed $15,000 per family unit. This bill increases the maximum loan amount from $15,000 to $35,000, and in areas determined by the Secretary of Housing and Urban Development, in consultation with the Secretary of the Interior, because of higher cost levels, this limit would be raised to $50,000 per unit.

In addition, the maximum term of such a loan will increase from fifteen years to twenty-five years.

LAKE PLACID WINTER OLYMPIC GAMES NATIONAL MEDAL

H.R. 13174

Aug. 14, 1978—Full Committee ordered reported favorably by voice vote.
Sept. 21, 1978—Report filed. H. Rept. 95-1602.
Sept. 26, 1978—Passed House by voice vote.
Sept. 28, 1978—Referred to Senate Committee on Banking, Housing and Urban Affairs.

H.R. 13174 would authorize the Secretary of the Treasury to strike and furnish no more than 500,000 bronze, silver and gold national medals to the Lake Placid 1980 Olympic Winter Games, Incorporated, in commemoration of the 13th Olympic Winter Games to be held at Lake Placid, N.Y., in 1980. The medals to be struck in quantities of no less than 2,000 and furnished to the Lake Placid Olympic corporation. The corporation would pay the estimated cost of manufacture, plus a surcharge equal to 25 percent of the cost of manufacturing.

MARTIN LUTHER KING, JR., NATIONAL MEDAL

H.R. 13643

Aug. 14, 1978—Full Committee ordered reported favorably, amended, by voice vote.
Sept. 21, 1978—Reported filed. H. Rept. 95-1604.
Sept. 26, 1978—Passed House by voice vote.
Sept. 28, 1978—Referred to Senate Committee on Banking, Finance and Urban Affairs.

H.R. 13643 would authorize the Secretary of the Treasury to strike and furnish no more than 500,000 National Medals in commemoration of the life and ideals of Dr. Martin Luther King, Jr. The medals may be struck until December 31, 1981. The medals shall be furnished to the Martin Luther King Center at a price equal to the cost of manufacture, plus a surcharge equal to 25 percent of the cost of manufacturing. The medals may be struck in bronze, silver, and gold. The bill also authorizes the President to present, in the name of Congress, a gold medal to Mrs. Martin Luther King, Jr.

FEDERAL RESERVE ACT AMENDMENTS OF 1978

H.R. 14072

Sept. 14, 1978—Full Committee ordered reported favorably by roll call vote of 22 yeas to 14 nays.

Sept. 19, 1978—Report filed. H. Rept. 95-1590.

H.R. 14072 would exempt from any reserve requirement the first $50 million held by a bank in checking and savings accounts and the first $50 million held in time deposits (certificates of deposit). Banks whose holdings did not reach that level would not have had to keep any money in reserve.

Require all banks to maintain reserves on their holdings above $50 million in each type of deposit, whether or not they were members of the Federal Reserve. Under existing law, there is no reserve requirement for non-members.

Reduce and limit the range of the reserve requirements. For checking and savings accounts, the Fed could set the range between 6 percent and 8 percent of the holdings above $50 million. For time deposits with initial maturities under 180 days, the range would be 1 to 6 percent. For longer-term time deposits, the range would be 1 to 3 percent. (Under existing law, the ranges are 0 to 16.25 percent on checking accounts, 0 to 3 percent on savings deposits and 0 to 6 percent on all certificates of deposit.)

Specify that the $50 million exemption figure would grow automatically as overall deposits across the country grew, thus assuring that banks initially exempted from holding reserves would remain exempt unless they grew faster than banks in the aggregate and become large enough relatively to be covered.

Give all banks, not just members of the Federal Reserve, access to the system's discount window, meaning that they could borrow money from the Fed.

Instruct the Fed to develop a system for charging banks for the free services it now provides, such as check-clearing and pickup and delivery of coins and currency, and give all banks access to such services.

Require all banks and thrift institutions, regardless of the size of their deposits or membership in the Federal Reserve System, to provide the Fed with statistical information on the size of assets and liabilities needed by the Federal Reserve for the conduct of monetary policy.

EXPORT-IMPORT BANK EXTENSION

H.J. Res. 1157

Oct. 6, 1978—Full Committee ordered reported favorably by voice vote.
Oct. 10, 1978—Passed House by voice vote.
Oct. 11, 1978—Referred to the Senate.

H.J. Res. 1157 would provide a simple extension of authority for the Export-Import Bank from its present expiration date of Dec. 31, 1978 to June 30, 1979.

FLEXIBLE REGULATION OF INTEREST RATES ON DEPOSITS

H.R. 14289

Oct. 12, 1978—Passed House by voice vote.
Oct. 12, 1978—Referred to Senate Committee on Banking, Housing and Urban Affairs.

H.R. 14289 provides for an extension of Regulation Q until Dec. 15, 1979.

CARSON CITY SILVER DOLLARS

H.R. 9937

Sept. 7, 1978—Full Committee ordered reported favorably by voice vote.
Sept. 18, 1978—Report filed. H. Rept. 95–1574.
Sept. 26, 1978—Passed House by voice vote.
Sept. 28, 1978—Referred to the Senate Committee on Banking, Housing and Urban Affairs.
Oct. 9, 1978—Report filed. S. Rept. 95–1303.
Oct. 12, 1978—Senate passed, amended.
Oct. 15, 1978—Full Committee met in executive session, and by a vote of 25 to 2, moved that the House disagree to the amendment of the Senate and ask for a conference on the bill. (Calendar day.)
Oct. 15, 1978—House disagreed to Senate amendment, asked for a conference and appointed conferees.
Oct. 15, 1978—Senate agreed to conference and appointed conferees.
Oct. 15, 1978—Conference report filed. H. Rept. 95–1806.
Oct. 15, 1978—House agreed to conference report by voice vote.
Oct. 15, 1978—Senate agreed to conference report by yea-and-nay vote of 48 yeas to 13 nays.
Nov. 11, 1978—Pocket vetoed by President.

H.R. 9937 amends the One Bank Holding Company Act of 1970 and would authorize the General Services Administartion to sell the remaining Government hoard of silver dollars struck at the old mint at Carson City, Nevada, in a less restrictive manner. After General Services Administration has conducted five sales with the "one coin per person per category" limitation approximately one million of the coins still remain in Government hands.

Section 2 amends section 127(b) of the Trade Act of 1974 (19 U.S.C. 2137) to prohibit the reduction or elimination in trade negotiations of duties or import restrictions on certain imported textiles and textile products.

SUMMARY OF INVESTIGATIVE AND LEGISLATIVE OVERSIGHT ACTIVITIES OF THE HOUSE COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

(Pursuant to Section 118 of the Legislative Reorganization Act of 1970 (Public Law 91–510), as amended by Public Law 92–136.)

THE FEDERAL RESERVE REFORM ACT OF 1977

Hearings were held July 18 and 26, 1977 which resulted in the Federal Reserve Reform Act of 1977, Public Law 95–188, signed into law on November 16, 1977. That Act formalized the reporting requirements in House Concurrent Resolution 133; directed a broader representation for the composition of the Federal Reserve regional banks' boards of directors; required Senate confirmation of the Chairman and Vice-Chairman of the Federal Reserve, and forbid members of the Federal Reserve, including members of the regional banks' boards of directors, from voting on matters in which they have a significant conflict of interest. Under Public Law 95–188, Chairman Miller appeared on March 9, 1978 and July 28, 1978. During these hearings, the Honorable Robert McKinney appeared for the Administration on July 28, 1978. The witnesses also included, on March 7 and April 10, 1978, the following economists: Rudiger Dornbusch, Jerry L. Jordan, L. R. Klein. The Federal Reserve continued to announce at these hearings twelve month target ranges for various monetary aggregates. Since 1977, the basic money supply, M1, rose above the top of the Federal Reserve's target range. The Full Employment and Balance Growth Act of 1978 which was passed October 14, 1978, required the Federal Reserve to submit reports to the House Banking Committee on February 20 and July 20 and for the House Banking Committee to follow each of these reports with a report of its own on monetary policy.

CONDUCT OF MONETARY POLICY

Pursuant to House Concurrent Resolution 133, the House Banking Committee held semi-annual hearings on the conduct of monetary policy. Chairman Arthur Burns appeared on February 3, 1977 and July 29, 1977. During these hearings, the Hon. W. Michael Blumenthal and Director Bert Lance appeared for the Administration. The Witnesses also included the following economists: Dr. Paul Samuelson, Dr. James Tobin, Dr. Karl Brunner, Dr. William J. Fellner and Dr. Walter W. Heller. The Federal Reserve presented its long run target ranges for monetary growth and gave a general description of their view of the United States economy. Chairman Burns and other witnesses were questioned extensively by the Banking Committee.

MONETARY EFFICIENCY AND FEDERAL RESERVE MEMBERSHIP

Hearings on Monetary Efficiency and Federal Reserve Membership led to the Federal Reserve Act Amendment of 1978, H.R. 14072, which was favorably reported by the Committee on September 14, 1978, but was not acted upon by the full House. The bill provided for more uniform reserve requirements for all commercial banks. In addition, authority was given to the Federal Reserve to obtain, on a timely basis, data regarding assets and liabilities of all depository institutions, using existing regulatory agencies to collect the data where appropriate.

SUBCOMMITTEE ON THE CITY

The Subcommittee on the City, organized at the beginning of the 95th Congress, is a nonlegislative subcommittee mandated to study and make recommendations on urban problems that cut across the jurisdictions of Federal agencies and legislative subcommittees.

During the first session, the Subcommittee held hearings on The Impact of the Federal Budget on Cities; Successes Abroad; What Foreign Cities Can Teach American Cities; Federal Tax Policy and Urban Development; Livable Cities: How Small Grants Programs Can Make a Difference; and Energy and The City. The first of several field hearings to learn how various cities are adjusting to changes in population and economic base was held in Bridgeport, Connecticut.

The Subcommittee issued two reports. In The Impact of the Federal Budget on Cities, the Subcommittee recommended development of a better reporting system to evaluate and anticipate the effects of Federal expenditures on cities. The second report, "Federal Tax Policy and Urban Development", explored the impact, frequently unintended, of the Federal tax code on patterns of urban development. It proposed, for consideration by the Administration and the Ways and Means Committee, a number of revisions in the tax code to achieve a more equitable distribution of homeownership benefits, to give investments in rehabilitation and new construction equal encouragement, and to direct tax subsidies for real estate construction more into low and moderate income rental housing.

The Subcommittee also issued a collection of the testimony of 14 urban experts before the full Banking Committee and the Subcommittee, which was entitled Toward a National Urban Policy. In September 1977, the Subcommittee issued "To Save a City," a report authored by Chairman Reuss which outlined a comprehensive policy to revitalize the nation's cities.

In the second Session the Subcommittee on The City continued with a program of hearings, studies and reports aimed at understanding the problems of cities and how they may be alleviated through cooperative Federal-State-local and private sector efforts.

Recognizing that jobs are a critical need of center city residents, the Subcommittee sought the views of the chief executive officers of the nation's 800 largest corporations on factors influencing their facility location decisions, and what might be done to encourage maintenance and expansion of industrial and retail facilities in central cities. In February, the Subcommittee published two hundred of the most thoughtful replies under the title "Large Corporations and Urban Employment."

Earlier the Subcommittee issued a compendium of essays dealing with the declining population and changing economic functions of central cities, which was entitled "How Cities Can Grow Old Gracefully." The essays' 17 authors discussed diverse strategies for managing these changes and opportunities for improving the quality of city life even with reduced resources.

Small cities outside of metropolitan areas are also faced with difficult problems—problems accentuated by the reversal of the migration patterns of the past half-centry. In May, the Subcommittee undertook a series of hearings on the needs of small cities, including field hearings in Ada, Oklahoma and Saratoga Springs, New York. In August, the Subcommittee published a report, "Small Cities: How Can the Federal and State Governments Respond to Their Diverse Needs" containing 16 recommendations for improving Federal and State service delivery to small cities.

The adoption of Proposition 13 in California, and the possible adoption of similar tax-expenditure limitation initiatives in other states, may have far-reaching impacts on the capacity of cities to provide needed services and on Federal-State-local relations. To explore the origins and implications of the 1978 taxpayers' revolt, the Subcommittee, joined by the Joint Economic Committee, held a day of hearings in July. The Subcommittee followed with another day of hearings on innovative ways cities can achieve greater efficiency and effectiveness in their delivery of services. Publication of these hearings is expected shortly under the title "Local Distress, State Surpluses, Proposition 13: Prelude to Fiscal Crisis or New Opportunities."

At the request of the Subcommittee's Chairman, the Congressional Budget Office undertook an analysis of various measures of city need and the responsiveness of five major formula grant programs to differences in need in 45 large cities. The study, entitled "City Need and the Responsiveness of Federal Grants Programs," was published in September.

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

The Subcommittee established three task forces that conducted field hearings throughout the country and panel discussions in Washington in order to address three topics of primary interest to the Subcommittee: community investment, home ownership and assisted housing.

Community Investment Task Force

The Community Investment Task Force focused on the causes of urban disinvestment and the appropriate federal role in helping local governments alleviate and arrest the process of disinvestment. Field hearings were held in Houston, Texas, on January 24, 1978, and in Lowell, Massachusetts, on February 20, 1978.

Home Ownership Task Force

The Home Ownership Task Force examined the factors affecting the recent escalation in the cost of home ownership, the impact on the ability of families to purchase homes and the role, if any, of the Federal Government in alleviating this problem. Field hearings were held in Corvallis, Oregon, on January 16, 1978, in Long Beach, California, on January 17, 1978, in Baltimore, Maryland, on February 3, 1978, and in Indianapolis, Indiana, on February 4, 1978. In addition, panel discussions were held in Washington, D.C., on July 18 and 25, 1978, August 8, 10, and 15, 1978, and September 7 and 8, 1978.

Assisted Housing Task Force

The Assisted Housing Task Force focused on the provision of housing to families in need by the Department of Housing and Urban Development and by the Farmers Home Administration. The primary issues were who should be assisted and how best can such assistance be provided. This Task Force held field hearings in Richmond, California, on January 13, 1978, in Watsonville, California, on January 14, 1978, in Miami, Florida, on January 27, 1978, in New Orleans, Louisiana, on February 10, 1978, in Bath, New York, on February 17, 1978, and in Westminster, California, on September 5, 1978. Panel discussions were held in Washington, D.C., on September 12 and 13, 1978.

Rockdale Apartment Project Atlanta, Georgia

In addition, a hearing was held in Washington, D.C., by the Subcommittee on February 22, 1978, regarding the construction and demolition of the Rockdale Apartment Project in Atlanta, Georgia. The hearing focused on the entire process by which FHA approves, supervises, and manages the multifamily assisted housing programs, as well as on the individual Rockdale Apartment problem.

SUBCOMMITTEE ON ECONOMIC STABILIZATION

During the 95th Congress the Subcommittee on Economic Stabilization conducted a variety of activities including both legislative and oversight functions committed to the Subcommittee's jurisdiction. This jurisdiction extends to all matters relating to financial aid to all sectors and elements within the economy, all matters relating to economic stabilization, and all defense production matters as contained in the Defense Production Act of 1950, as amended, and all matters related thereto. An expanded summary of the Subcommittee's activities during the 95th Congress follows.

Inflation and Economic Stabilization

As the inflation "watchdog" of the Congress, the subcommittee held 8 days of hearings on various aspects of inflation:

> 3 days of hearings in 1978 were devoted to assessing the results of the Administration's anti-inflation policy with testimony from both Administration and public witnesses;
>
> The impact of international commodity agreements on international prices, and hence U.S. domestic prices, for as many as 18 commodities, all of which the U.S. imports for some portion of its supply, was the subject of a June 8, 1977, hearing. On the one hand, there was concern that these agreements might be designed in such a way as to raise the world price of various commodities imported by the U.S.; on the other hand was the knowledge that well-constructed agreements might help to avoid the kind of explosion of raw material prices that contributed to the double-digit inflation in the United States in 1973–74.

Subcommittee and full Committee action in May and June 1978 on H.R. 9486, the Tin Buffer Stock bill, described on p. 4, represented legislative action resulting from these 1977 hearings. Similarly as a result of the hearings, the Subcommittee late in the second session monitored the progress of legislation dealing with the international sugar agreement and domestic price supports for sugar. Since the potential inflationary impact of the proposed legislation was more a factor of the price support feature of the bill than of the international agreement feature and, thus, was more within the jurisdiction of other House committees, the Banking Committee relinquished jurisdiction over this bill in the interest of time.

The impact on domestic consumer prices of shoes, color television sets, and sugar of foreign trade policy decisions was the subject of a July 20, 1977, hearing.

A September 20, 1977, hearing examined the impact on domestic food prices of agricultural (crop supply status) and non-agricultural (for example, labor and transportation costs) factors. In September 1978, the Subcommittee conducted a similar hearing with emphasis on the effect of the Federal Government's agricultural policies on food prices, both past and prospective.

A September 1978 hearing examined the Administration's proposals for the role of the Federal Government in improving the productivity of the nation's work force, particularly in view of the President's decision to allow the National Center for Productivity and Quality of Working Life to terminate on September 30, 1978.

In connection with its oversight of the Council on Wage and Price Stability, the Subcommittee conducted a hearing October 18 to examine the details of the Council's steel industry report, issued on October 5, 1977.

In May 1978 Chairman Moorhead appeared before the Committee on Ways and Means to discuss the inflationary effects of beef prices during that Committee's consideration of meat import legislation.

New York City Seasonal Financing Act of 1975

Through its oversight jurisdiction over the New York City Seasonal Financing Act of 1975 (Public Law 95-143), the Subcommittee was briefed by officials of the General Accounting Office on various reports concerning the status of New York City's three-year financial plan. Along with New York City, GAO described the essence of the "problem of the cities" with regard to their economic declining base. In addressing itself to the situation in New York, the GAO painted a grim picture of the City's long-term fiscal outlook. A report entitled "Securities and Exchange Commission Staff Report on Transactions in Securities of the City of New York" was received from the SEC and published as a committee print (August 1977).

In December 1977, the Subcommittee traveled to New York City for a one-day hearing on the City's progress under the 1975 Act and the prospects for its fiscal and financial stability after the Act's expiration on June 30, 1978.

Oversight activities also included staff analysis of studies and reports, including monthly Financial Plan Statements; frequent consultation with representatives of the Treasury Department, the City and State of New York, the Municipal Assistance Corporation, the Emergency Financial Control Board, and the General Accounting Office; and staff on-site discussions with representatives of New York City, the State and the financial community. These activities continued after enactment of Public Law 95-339 (see p. 3) as part of the Subcommittee's ongoing responsibility to oversee laws committed to its jurisdiction.

Loan Guarantees and Credit Assistance Programs

During the course of its continuing investigation of Federal loan guarantees, the Subcommittee noted that a comprehensive listing of detailed financial information on all Federal loan guarantee programs did not exist. The Subcommittee staff, with assistance from the Congressional Research Service, compiled a listing of these programs "Catalog of Federal Loan Guarantee Programs," which was published as a committee print in September 1977. The compilation includes a description of 164 such programs which are either operating, expired but have loan amounts outstanding, or which have been authorized but have not yet been implemented. All loan guarantee programs authorized or operated by the Federal Government are not included in the catalog for a number of reasons: insufficient information on some of them; failure to find out about the existence of others; in some cases, uncertainty as to whether a program was in reality a guarantee, a direct loan, or a grant; or because some programs are run by privately owned Government-sponsored corporations such as the Federal National Mortgage Association, the Federal Home Loan Bank Board, or the Intermediate Credit Banks.

The Subcommittee is also conducting a study of Federal loan guarantee programs to identify areas of confusion and inconsistency of terminology, structure and implementation of the various programs. It expects to publish a set of guidelines based on this study before the end of calendar year 1978. Assistance in the study is being provided by the Congressional Research Service of the Library of Congress and the Congressional Budget Office.

National Development Bank

In addition to 2 days of hearings on the Administration's proposed legislation for a National Development Bank, the Subcommittee continued to examine the problems of distressed urban areas and proposals for their solution through staff analysis of studies, articles and related legislative proposals. In particular, the Subcommittee conducted a survey of 50 large cities as a follow-up to an earlier survey by the Joint Economic Committee, in order to learn why these large cities have large unmet capital needs. The results of the survey were reported in the Congressional Record of September 11, 1978.

Lockheed Aircraft Corporation Loan Guarantee

As part of its oversight jurisdiction over the Lockheed Aircraft Corporation's loan guarantee, the Subcommitte requested of and received from the General Accounting Office a report on Lockheed's new management policy to prevent questionable foreign marketing practices to preclude the recurrence of earlier problems. (March 16, 1977, report.)

Cost Accounting Standards Board

The Subcommittee continued its oversight of activities of the Cost Accounting Standards Board. Particular attention was given to a proposed rule exempting small business concerns from compliance with CASB rules and regulations and certain business units of larger concerns from compliance with some of the Board's standards and regulations. Subcommittee oversight activities included correspondence with the Chairman of the CASB and consultations and a meeting between staffs of the Subcommittee and the Board.

Other Subcommittee Activities

Chairman Moorhead chaired a briefing on unemployment and inflation arranged by the Public Interest Economics Foundation. Papers presented were published as a committee print April 1977, "Unemployment and Inflation; Paper No. 1". The papers ranged in coverage from a discussion of econometric models and forecasting to a discussion of tax cuts versus jobs creation and trade-offs implied between unemployment and inflation.

In connection with its hearings on H.R. 2596, the Human Resources Development Act of 1977, the Subcommittee Members met with the Secretary General of the European Association of National Productivity Centers.

Studies done for the Subcommittee by the Congressional Research Service included (1) comments on the possible inflationary effects of coal conversion (comments also received from the Office of Technology Assessment and the Congressional Budget Office) and (2) a study on OPEC's proposal to peg the price of oil exports to special drawing rights (published as a committee print September 1977). The latter examination dealt with the effects of changing from a U.S. dollar-based currency for the pricing of OPEC oil to special drawing rights (formally adopted by the International Monetary Fund in 1968) as a possible alternative to the dollar. Effects discussed include the commercial use of SDRs, the implications for the U.S. economy, and the impact on world trade.

Subcommittee staff participated in two seminars: one conducted by the Morgantown Energy Research Center of the Energy Research and Development Administration on June 24, 1977, to learn from ERDA how to expedite and increase production of natural gas from eastern gas shales and one conducted by Carnegie-Mellon University on May 12, 1977. on the economic impact of regulatory reform.

A. H.R. 7416 and H.R. 7918, identical bills, to amend the Federal Financing Bank of 1973 to require that the receipts and disbursements of the Federal Financing Bank be included in the Federal budget, and for other purposes. Subcommittee hearings were held July 19 and September 15, 1977.

B. H.R. 7102, to declare a national policy on investment in the private sector of the United States economy. Subcommittee hearings were held September 27 and 28, 1977.

C. H.R. 1675, H.R. 1683, H.R. 2345, H.R. 2739, H.R. 3389, H.R. 7823, H.R. 8562, related bills containing domestic development bank-types of proposals, and H.R. 13230, to establish a National Development Bank to encourage and assist the retention and development of permanent private sector employment opportunities and private sector investment in areas with high unemployment, lagging economic growth and low-income levels and for other purposes. Subcommittee hearings were held October 4 and 5 and November 1, 1977, and August 1 and 2, 1978, with testimony from 29 witnesses.

D. H.R. 11137, to authorize appropriations to the Department of

Energy in accordance with section 660 of the Department of Energy Organization Act, and for other purposes. Subcommittee hearing held April 4, 1978.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS SUPERVISION, REGULATION AND INSURANCE

Texas Investigation.—Following the Subcommittee's hearings in November and December of 1976 in San Antonio, Texas, the Subcommittee continued to monitor the various criminal prosecutions, state legislative changes, and federal bank regulatory actions that developed from the failure of the Citizens State Bank of Carrizo Springs and related problems.

Field Interviews.—Throughout the months of November and December, 1977, staff visited regional offices of the Federal bank regulators in Atlanta, New York, Cleveland, Dallas, Omaha, St. Louis, Denver, Columbus, and San Francisco to interview examiners in each region. In addition, the Subcommittee developed a survey to be taken by the Federal bank regulators regarding bank practices.

The Subcommittee continued to follow developments occurring with regard to previously-investigated bank failures, i.e., the U.S. National Bank of San Diego and the Franklin National Bank in New York.

Oversight of the Alabama banking situation.—The Subcommittee has monitored the developments arising from improper insider dealing at a series of Alabama banks.

Questionable and Illegal Payments.—The Subcommittee has continued to monitor results from inquiries to Securities and Exchange Commission regarding possible questionable and illegal payments by banks and bank holding companies.

The Subcommittee conducted extensive investigation into banks and bank regulatory agencies involved in the financial problems surrounding former OMB Director, T. Bert Lance. The Subcommittee held oversight hearings in September 1977 and heard testimony from Georgia bank officials and personnel from the Office of the Comptroller of the Currency.

The Subcommittee continued to monitor federal bank regulator's actions under the provisions of the Community Reinvestment Act.

SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT INSTITUTIONS AND FINANCE

Multilateral Development Institutions

The Subcommittee undertook a major review of United States participation in the multilateral development institutions. This review considered the effectiveness of the multilateral development institutions, the extent of the national interest in participation, and the future of our capacity and interest in continued participation in these institutions.

In hearings on U.S. participation in the multilateral development institutions, the Subcommittee heard testimony from Administration witnesses and outside experts. The hearings coincided with a major study of the multilateral development banks undertaken by the Administration.

The Subcommittee also held hearings on the Administration's implementation of the fourteen new policy directives contained in Public Law 95-118 (which authoriezd new contributions to the World Bank and other development institutions). These new Congressional policy directives govern United States participation in the multilateral development banks with respect to human rights, agricultural lending in certain commodities, meeting the basic human needs of the poorest peoples in developing countries, light capital technology and numerous other areas of U.S. policy and development bank policy.

In anticipation of receiving legislative requests for new authorizations in 1979, the Subcommittee held investigative hearings on the status of the negotiations and the Administration's negotiating posture on replenishments of the African Development Fund, the Asian Development Fund and the Inter-American Development Bank.

United States-Mexico Bilateral Development Bank

The Subcommittee investigated the potential for a proposed United States-Mexico Bilateral Development Bank which would promote the kinds of economic development in Mexico that would reduce illegal migration to the United States. In connection with this investigation the Subcommittee conducted hearings on whether lending programs by the existing multilateral development banks can help reduce the flow of illegal immigration into the United States by attacking the basic economic causes of such migration.

SUBCOMMITTEE ON GENERAL OVERSIGHT AND RENEGOTIATION

Renegotiation

During 1977 and 1978, the Subcommittee on General Oversight and Renegotiation devoted a substantial portion of its time and effort to H.R. 5959, the Renegotiation Reform Act.

The Subcommittee conducted extensive hearings on this legislation, and pushed the bill through both the Subcommittee and the Full Banking Committee. The measure also received a rule from the House Rule Committee but was never brought up for consideration by the full House.

In brief, the legieslation would have completely reformed the renegotiation process by shifting its burden to the large defense and aerospace firms which presently perform the great majority of government contracting work. The legislation would have saved the American taxpayer hundreds of millions of dollars by eliminating the numerous loopholes and exemptions which have been written into law over the past twenty-six years.

Specifically, H.R. 5959 would have exetended the Renegotiation Act for five years and provided the Renegotiation Board members with fixed, staggered terms of office. It also required that renegotiation be conducted on a product-line and division basis, prohibited the percentage of completion method of accounting, and eliminated the oil and gas well exemptions.

Since the authority of the Renegotiation Board to examine new cases of excessive profits expired, another profit-limiting law, the Vinson Trammell Act, has technically been in effect. The Subcommittee has been in contact with the Internal Revenue Service, the agency which is charged with administering Vinson-Trammell, to urge that this law be properly enforced.

Military Banking

During 1978, the Subcommittee on General Oversight and Renegotiation continued its oversight of the Military Banking Facilities Program.

As a result of recommendations made by the Subcommittee in 1976, control of the Military Banking Program was assumed by the Department of Defense on October 1, 1977. The Program now is financed by direct appropriations rather than by compensating balances as had been the case when it was under the joint administration of both the Treasury and the Defense Department.

Chairman George Mahon, of the House Appropriations Committee, in August 1977 asked the Subcommittee to continue its oversight in this area and to provide advice and counsel to the Appropriations Committee on the need for, and the level of appropriations for military banking.

In April 1978, the Subcomimttee published its Report on Overseas Military Banking Facilities, which details the findings of its investigation.

Land Sales

The House Banking Oversight Subcommittee has undertaken a full scale investigation of interstate land sales in the United States.

The Subcommittee has uncovered evidence of shocking misrepresentation, abuse and fraud on the part of some elements in the land sales industry. Many land sales companies seek to sell lots at a rapid rate regardless of whether or not the consumer will receive fair value for his money. Thousands of land purchasers are lured by fast-talking salesmen into long-term installment contracts convinced that they are making sound investments. More often than not, however, lots are sold at greatly inflated prices, are completely unsuitable as homesites, and have little or no resale value.

The largest developments, which have bilked the greatest number of citizens, are located in Florida, Arizona, Texas and New Mexico. However, the problem also exists in areas like the Poconos, where many New Jersey residents have encountered shady land developers.

In April 1978, the Subcommittee held hearings at which it heard testimony from more than 30 witnesses representing federal and state governments, industry, public interest groups and consumers. Various other interested parties submitted written testimony.

The Subcommittee staff drafted a bill which would provide comprehensive reform of the Interstate Land Sales Full Disclosure Act. The Chairman joined with 26 of his colleagues in introducing H.R. 12574, the Interstate Land Sale Reform Act. Among other things, this bill would restrict the use of unfair installment contracts by developers, would provide new remedies for consumers who have been defrauded or misled and would beef-up the enforcement powers of the Office of Interstate Land Sales Registration within H.U.D.

In connection with its land sales investigation, the Subcommittee staff was also involved in the conferences on the Housing and Community Development Amendments of 1978. It assisted a number of consumer-oriented members in persuading the conference not to accept the major provisions of a bill originally introduced by Senator Gaylord Nelson, which would have seriously weakened the present Interstate Land Sales Act.

Currency Exchange and Banks

The Subcommittee has begun an investigation of the role of major United States banks in the foreign exchange markets. This inquiry was prompted by the allegations of a former employee of a large American bank who alleges that these banks have evaded taxes, violated currency trading laws of various countries and conspired to induce short-term swings in currencies, including the dollar, thereby profiting from speculation on those currencies.

Senior Citizens Housing

The Subcommittee began an investigation of the federal housing assistance programs which are designed to help senior citizens.

The Subcommittee intends to examine those programs and, if necessary, recommend changes to improve the programs for the elderly.

SUBCOMMITTEE ON CONSUMER AFFAIRS

The Consumer Affairs Subcommittee had a productive two years gathering and dispersing information, working for final passage of important consumer protection legislation, and responding to individual problems and questions regarding credit laws. The Subcommittee performed its oversight duties both through the formal hearings process and by means of informal staff investigations and communication with supervisory agencies, financial institutions and consumer groups. Most of the Subcommittee's investigative work centered on electronic banking developments, credit card practices, Truth in Lending simplification, and debt collection practices. These resulted in passage of two landmark consumer protection laws; the Fair Debt Collection Practices Act and the Electronic Funds Transfer Act.

Consumer Credit Information

The Subcommittee held Consumer Credit Information hearings which gave consumer groups, financial regulatory agencies, and the business community an opportunity to air grievances and set legislative goals. Similar hearings had proven effective for the Subcommittee's work in the 94th Congress, and were similarly beneficial for this Congress as well.

Debt Collection Practices Act

Hearings were held in March on the Debt Collection Practices Act, H.R. 5294. Witnesses included debt collection agency executives, former debt collectors, consumer representatives, and an individual who had been harassed by a debt collector. These hearings revealed the great need for this legislation which had originally passed the House in the 94th Congress. This bill was eventually approved in both Houses, and signed into law on September 20, 1977.

Consumer Credit Protection Act Amendments

The Subcommittee held hearings last year on H.R. 8753, the Consumer Credit Protection Act Amendments for users of credit cards and electronic banking services. The hearings provided the Subcommittee with many helpful suggestions regarding the legislation, as well as information about credit card practices and electronic banking developments in general. The results of the September hearings indicated that a more direct voice from consumers on the bill would be helpful.

The Subcommittee held a one day hearing on H.R. 8753 in Chicago to hear from consumers who are being affected by the changes taking place in credit card policy and electronic banking services.

Hearings similar to the one in Chicago were held in Columbus, Ohio and St. Paul, Minnesota. These hearings reinforced the Subcommittee's belief that legislation governing electronic banking was necessary.

Truth-in-Lending Simplification

Of the thirty-four bills referred to the Subcommittee during the 95th Congress, several pertained to the Truth in Lending Act, Congress' most important consumer credit legislation. In September, the Subcommittee held three days of hearings on the issue of simplifying the act to benefit both consumers and financial institutions. Testimony was received from consumer advocates, banking groups and government agencies. The Subcommittee intends to offer a comprehensive Truth in Lending simplification bill early in the 96th Congress.

Cash Discounts

In January 1977, the Subcommittee undertook a review of and commented upon the proposed Federal Reserve Board regulation regarding the offering of discounts by merchants to cash paying customers.

Redlining

Particular attention was given during the First Session to the newly established regulations implementing the Equal Credit Opportunity Act Amendments. It was found that the area of discrimination on the basis of residence and occupation had been overlooked.

Truth in Savings

An informal study of banking practices in regard to the disclosure of interest computation on savings accounts was conducted by the Subcommittee. The investigation will continue on a more formal basis in the 96th Congress.

Consumer Oversight

The Subcommittee believes that one of the most effective means of enforcing laws under its aegis is through consumer awareness. A Subcommittee booklet, "Give Yourself Credit," was published last year and has received an overwhelming response from consumers. The first two printings were distributed immediately, and the Subcommittee has already provided citizens with several hundred thousand copies. The pamphlet, prepared in a question and answer format, was published to provide consumers with a comprehensive handbook of their rights and responsibilities under the various consumer credit laws. Without such consumer knowledge, no amount of legislation will provide true protection.

General Review

The Subcommittee continued its practice of regularly reviewing new regulations and staff interpretations established by the government agencies responsible for enforcing laws under the Consumer Affairs Subcommittee's jurisdiction.

SUBCOMMITTEE ON DOMESTIC MONETARY POLICY

Federal Open Market Committee

Hearings were held in October and November 1977 on H.R. 9465. This legislation would require that detailed minutes of Federal Open Market Committee meetings be maintained and released to the public three years after the date of the meeting to which they relate.

In May 1976, the Open Market Committee discontinued the practice of maintaining minutes and releasing them after a five year delay. This action was apparently prompted by fear that the "Sunshine" legislation would require immediate release. The bill considered by the Subcommittee attempts to assure that minutes will be maintained and made public without, however, releasing them while they might still be considered sensitive. No further action was taken by the Subcommittee.

Federal Reserve Boards of Directors' Meetings

H.R. 9589 also was considered in October and November 1977. This legislation would require that the Federal Reserve banks keep verbatim transcrips of all meetings of their Boards of Directors and make them public under certain specified limitations. No further action was taken by the Subcommittee.

Solar Energy Development Bank

Hearings were held on H.R. 7800, the Solar Energy Development Bank Act, in April 1978. This legislation would establish a solar energy development bank to provide long term low-interest loans for the purchase and installation of solar energy equipment in commercial and residential buildings in the United States. The bill was voted out of the Subcommittee by a voice vote in July 1978. It was not taken up by the Full Committee.

Other Subcommitee Activities

During 1977 the Subcommittee held hearings in April on the question of "Tax Rebates and the Conduct of Monetary Policy," and in September on "Recent Monetary Developments and Future Economic Performance."

Staff briefing papers and other support were provided to the Full Committee pursuant to its hearings in February and July on the Conduct of Monetary Policy, and on H.R. 8094 also in July.

Background analyses were provided to members in September on diverse topics in monetary policy including the behavior of the monetary aggregates, the relationships of changes in money supply and prices, and the relationships of unemployment and interest rates to inflation.

Staff investigated possible bureaucratic barriers to the chartering of minority banks by the Comptroller of the Currency. The findings were forwarded to the Comptroller's Office.

In January 1978, the Subcommittee held hearings which reviewed monetary policy in 1977. In June 1978, oversight hearings were held on the need for and administration of the Treasury-Federal Reserve Draw Authority. In July 1978, the Subcommittee held a round table discussion to review current issues and exchange ideas about monetary policy.

Subcommittee staff briefing papers and other support were provided o the Full Committee pursuant to its hearings on the Conduct of Monetary Policy in March and July. Subcommittee staff input was also provided to the Full Committee pursuant to its hearings and mark-up f legislation concerning the Federal Reserve's membership problem rom June to September.

Last, throughout 1977 and 1978, Subcommittee staff continued to nalyze economic data and conduct further statistical tests with an eye oward updating and refining its report on the Impact of the Federal Reserve System's Monetary Policies on the Nation's Economy. This eport is expected to be completed before the end of the year.

Hearings were held on H.R. 13148 in July 1978. This legislation ould increase the number of Federal Reserve Class C directors from ree to six. No further action was taken by the Subcommittee.

SUBCOMMITTEE ON HISTORIC PRESERVATION AND COINAGE

"On March 20, 1978 the Subcommittee on Historic Preservation and oinage completed the most extensive series of hearings on Historic reservation Loan Programs ever conducted by a Congressional Com-ittee. The oversight hearings, entitled, 'An Adequate Loan Program r Historic Resources', began in May of 1977. Preservationists from th the public and private sectors, and from the local, state and tional levels appeared before the Subcommittee. Many preservation-s felt that Chairman Fauntroy's, as well as the other Member's, com-ents at the beginning of these hearings were instrumental in HUD's ally implementing the Title I FHA Loan Program for Historic esources which had been signed into law two and one half years rlier."

SUBCOMMITTEE ON INTERNATIONAL TRADE, INVESTMENT AND MONETARY POLICY

During the 95th Congress, the Subcommittee on International ade, Investment and Monetary Policy, under the Chairmanship the Honorable Stephen L. Neal, considered the following legisla-e matters:

ternational Monetary Policy

The Subcommittee's major work in this field was on H.R. 9214, ending the Bretton Woods Agreements Act to authorize the United ates to participate in the Supplementary Financing Facility nown as the Witteveen Facility) of the International Monetary nd (IMF).

The bill authorized the United States to invest about $1.8 billion in a special $10.8 billion loan fund to assist countries that have serious balance of payments problems because of the lingering world recession, higher OPEC oil prices and other financial difficulties. The U.S. will be one of 15 countries providing funds for the Witteveen Facility. Seven OPEC nations will contribute about $5 billion.

The Subcommittee held three days of hearings on the Witteveen Facility proposal in September, 1977. The bill was approved by the Subcommittee on October 13, and by the full Banking Committee on January 23, 1978. The House approved the conference report on September 28, 1978.

As part of its responsibility to oversee U.S. participation in the IMF, the subcommittee monitored various IMF policies and decisions during 1977 and 1978. Among other things, it evaluated the adequacy of regular IMF resources. Also, the Subcommittee studied commercial bank lending to the less developed countries and the debt rescheduling problems of those countries.

Another bill handled by the subcommittee, S. 2093, prohibited the Treasury Department from using portions of the $4 billion Exchange Stabilization Fund for administrative purposes.

The ESF exists for use in swap agreements in support of the dollar, for IMF transactions and for other international monetary operations. But over the years the Treasury had begun to use the unrestricted ESF to pay for certain salaries, travel, conferences, and special projects. Such expenditures thus were not scrutinized by Congress in the regular budget process. Some critics had begun to refer to the ESF as a "slush fund."

The corrective legislation, supported by the Treasury, assures that henceforth the ESF will be used exclusively for monetary operations, as intended by Congress. The subcommittee approved the bill immediately after a hearing on the subject on April 19, 1978. The full committee approved it on May 3. The House passed the bill on May 8.

International Trade Policy—Export-Import Bank

During the 95th Congress, the Subcommittee conducted extensive reviews of the operations of the U.S. Export-Import Bank and assessed the bank's role in international trade.

This effort culminated in the passage in 1978 of H.R. 12157, which reauthorized the Eximbank through September 30, 1983, and increased its credit ceiling from $25 billion to $40 billion.

The Carter administration had requested that the Eximbank be strengthened for a greater role in stimulating U.S. exports to help reduce the country's chronic foreign trade deficit and to create more jobs in American industries.

As finally approved, the Eximbank reauthorization contained provisions designed to make the bank more competitive with the export finance agencies of other trading nations. But the bill also committed the U.S. more strongly to seek an international agreement banning the use of government subsidies in world trade.

The Eximbank reauthorization bill was the subject of four days of hearings in March, 1978. The bill was approved by the Subcommittee on April 13, 1978 and by the full Banking Committee on May 1, 1978. The House passed the bill on July 27, 1978. On October 14, the House approved a Senate version amended to contain all the House bill's major provisions.

In addition to these activities, the Subcommittee held separte hearings in 1978 on proposals to open the way for future Eximbank services on trade with mainland China (January 26) and to prohibit Eximbank financing on sales to South Africa (February 9). The final Eximbank bill included a partial ban on services to South Africa, but the House rejected the China trade proposal.

Even before this thorough examination of the Eximbank during 1978, the Subcommittee had reviewed the bank's operations extensively in 1977. The occasion that year was the need to pass a short-term Eximbank reauthorization extending the bank from June 30, 1978, through September 30, 1978. This was necessary to make the bank's authorization coincide with the government's new fiscal year. The Subcommittee held hearings and approved a bill, H.R. 6415, that granted the extension and added new Eximbank rules on human rights and nuclear technology exports. The House passed the bill on May 3, 1977. The conference report was approved on October 14, 1977.

Protectionist Trade Policy

In July and August, 1978, the Subcommittee held three days of hearings on the problems of protectionism in world trade. The hearings focused on the new protectionist devices being used in world trade and their potential effect on U.S. trade policy. Witnesses also reviewed the history of protectionist policies in the U.S. and other countries.

In October, 1977, the Subcommittee held field hearings in Corning, New York, on the implications of U.S. trade policy for American business and consumers.

○

Union Calendar No. 975

95th Congress, 2d Session - - - - - - - House Report No. 95-1841

REPORT ON THE ACTIVITIES IN THE 95TH CONGRESS

OF THE

SELECT COMMITTEE ON AGING
U.S. HOUSE OF REPRESENTATIVES

YEARS 1977 AND 1978

[Pursuant to Rule XI(1)(d)]

JANUARY 5, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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(The Chairman of the full committee, CLAUDE PEPPER, and the ranking minority member, formerly BOB WILSON, now WILLIAM C. WAMPLER, are members ex officio of all subcommittees.)

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WILLIAM S. COHEN, Maine
MARC L. MARKS, Pennsylvania

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[1] Resigned Aug. 1, 1977.
[2] Resigned July 25, 1978.
[3] Appointed Aug. 1, 1977.
[4] Appointed July 25, 1978.
[5] To Mar. 15, 1978.
[6] Appointed Mar. 15, 1978.
[7] Appointed Aug. 1, 1977.

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JAMES ABDNOR, South Dakota

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[8] Resigned July 25, 1978.
[9] Appointed July 25, 1978.

LETTER OF TRANSMITTAL

House of Representatives,
Select Committee on Aging,
Washington, D.C. January 5, 1979.

Hon. Edmund Henshaw, Jr.,
Office of the Clerk
U.S. House of Representatives,
Washington, D.C.

Dear Mr. Henshaw: Please accept for filing with the U.S. House of Representatives the attached report of the Select Committee on Aging covering the Committee's activities in the 95th Congress ending at noon on January 3, 1979, as required by Rule XI(1)(d) of the Rules of the House of Representatives.

With kindest regards, and
Believe me,
Always sincerely,

Claude Pepper, *Chairman.*

Enclosure.

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95th Congress
2d Session

HOUSE OF REPRESENTATIVES

Report
No. 95-1841

REPORT ON ACTIVITIES IN THE 95TH CONGRESS OF THE SELECT COMMITTEE ON AGING

January 5, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Pepper, from the Select Committee on Aging, submitted the following

REPORT

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REPORT ON ACTIVITIES IN THE 95TH CONGRESS

INTRODUCTION

During the 95th Congress the Committee on Aging has pursued parallel but distinctly different courses. Each course is compatible with the Committee's overall objective. That objective is to add to the quality of life for Older Americans. One course is directed to devising, testing, and improving social and economic mechanism for helping older people. The other course encompasses the broader perspective, an eagle-eyed view of the field of aging. This broader perspective gives the Committee a glimpse of what the environment, social and economic climate will be for older people in years ahead.

What became apparent during the 95th Congress is that older people would enjoy life more fully, and need less outside help, if aging proceed at a rate not greater than that called for by genetic encoding. Through electrical and chemical design of the body's cells, genetic encoding dictates the rate at which the body gradually wears out. Under ideal conditions biological aging proceeds in a way that permits the individual to remain functional and healthy for most of the individual's life with only a brief period of illness or disability near the end. When the rate of aging is not accelerated by adverse social and environmental conditions, the individual's life should be characterized by good health, life satisfactions should be high, and the interval (prior to death) in which society may be called upon to assist the individual should be brief. Most people do not age in accordance with an optimal rate of biological attrition. Rather environmental and societal factors intervene to accelerate the aging process. The design of socioeconomic systems does not consistently consider whether the operation of those systems will accelerate the aging process. Their operations are more often directed to achieving short-range objectives that contain no mechanisms for evaluating how the operations of the system will affect individual health and well being of society's members.

Older people constitute an increasingly greater proportion of the population, and this suggests that there will be greater demands placed on the social services delivery system. These demands could be lessened by structuring our society in a way that is calculated to increase the possibilities that aging will progress at a rate not greater than that called for by genetic encoding, thus prolonging the fully functional years and holding to a minimum the number of months of illness or disability that might come near the end of life. To achieve this objective would require injection into all levels of government and societal action of an increased consciousness of possible effects of those actions on the aging process. The benefits that could be realized from such increased consciousness could be substantial both in life satisfactions for the individual and economic gain to society.

ACCOMPLISHMENTS

The Select Committee on Aging is an investigative committee. Unlike legislative committees, the Select Committee On Aging has no authority to hold hearings and file reports on bills. The Aging Committee contributes to the legislative process by making its investigative findings available to legislative committees to help them in their deliberations. The Aging Committee makes recommendations to appropriate committees of the House on legislative concepts that it has developed through its investigative process.

As a special investigative committee, the Select Committee On Aging has acted as a catalyst in the development of legislative enactments and the promotion of administrative changes. The Chairman, and other members of the Aging Committee, have sponsored aging legislation and appeared before committees of the House and Senate to urge enactment of legislation recommended by the Aging Committee.

Among the legislative and administrative accomplishments that the Aging Committee played a major role in bringing about are the following:

Age discrimination

A.D.E.A. Amendments: Legislation to strengthen the Age Discrimination In Employment Act and ban most forced retirement practices (H.R. 5383); introduced by Chairman Pepper, and cosponsored by members of the Aging Committee; signed into law on April 6, 1978 (P.L. 95–256).

Mandatory Retirement.—On June 2, 1978, the Aging Committee began a campaign through letters to the Civil Service Commission and executives of "Fortune 500" corporations to put into effect the ban against mandatory retirement in advance of the effective dates of the 1978 A.D.E.A. Amendments. On June 13, 1978, the U.S. Civil Service Commission notified the Committee that it would put into effect the new policy against forced retirement by liberalizing its rule on granting exemptions from forced retirement. Numerous companies responded to the Committee's request by liberalizing retirement rules in advance of the date required by law.

Age Discrimination Act of 1975.—Amendments to the Age Discrimination Act of 1975, offered by Representative Biaggi, to clarify the meaning of the prohibitions, provide a private cause of action and allowance of attorney fees to a prevailing plaintiff (H.R. 12255; P.L. 95–478, Oct. 18, 1978); participation by the Committee in conferences with Health, Education, & Welfare General Counsel on formulation of Age Discrimination Act regulations.

Communications and education

"Over Easy" television series.—National public television series designed to inform, educate, and entertain the elderly entitled "Over Easy" was funded for fiscal year 1978. Committee members urged an appropriation for this educational service.

Conferences

World Assembly and World Year on Aging.—Resolution urging President Carter to instruct the U.S. delegation to the United Nations to work with other U.N. delegations in calling for a World Assembly

And A World Year On Aging not later than 1982; introduced by Chairman Pepper, and passed by the House; H. Res. 736, Oct. 31, 1977. An identical resolution was approved by the Senate. An amendment to H.R. 12222, the International Development And Food Assistance Act of 1978, authorizes the United States to contribute 25% or 1 million, whichever is lower, of the cost of a World Assembly And World Year On Aging; Public Law 95–424, Oct. 6, 1978. On Dec. 14th, 1978, the United Nations approved by unanimous consent a resolution introduced by the United States delegation calling for a World Assembly On Aging, and authorizing a study of the feasibility of observing an International Year On Aging.

Presidential Conference On Aging.—Members of the House Aging Committee met with President Carter and outlined for him the legislative and executive action needed to implement the Committee's recommendations for assisting the nation's elderly. The Committee also met in roundtable discussion with Mrs. Carter and representatives of aging organizations.

Crime

Statistics on crime against elderly.—Incident to proposed reorganization of Law Enforcement Assistance Administration, a Presidential plan to transfer from Law Enforcement Assistance Administration to an organization to be known as National Institute of Justice research and statistical functions, including gathering data on crime against the elderly; parallels recommendation made by Housing And Consumer Interests Subcommittee of the Aging Committee.

Anticrime programs in public housing.—A floor amendment to H.R. 12433 (S. 3084) offered by Chairman Pepper, and approved by the House on June 28, 1978, which earmarked $12 million of housing assistance funds for anti-crime programs in public housing for fiscal year 1979. House approved conference report on Oct. 15, 1978, including $12 million authorization for demonstration projects on anti-crime and security methods in public housing (Title II, Sec. 204, Housing And Community Development Amendments of 1978, Public Law 95–557, Oct. 31, 1978).

The victims of Crime Act of 1978 (H.R. 7010).—A bill to compensate victims of crime for personal injuries was approved by the House on September 30, 1977. Portions of the bill reflect recommendations made by the Housing And Consumer Interests Subcommittee of the Aging Committee. The bill encourages the elderly to report crimes, removes impediments to seeking the bill's assistance by prohibiting any means test, and waives the $100 deductible provision for persons age 62 or older. (H.R. 7010 was considered, amended, and passed by the Senate on September 11, 1978; the conference report was approved by the Senate on October 11, 1978, but rejected in the House on October 14, 1978.)

Health care

Medicare and medicaid antifraud and abuse.—An amendment to the Medicare-Medicaid Anti-Fraud And Abuse Amendments (H.R. 3) introduced by the Chairman, defining as felonies those instances where Medicaid patients' relatives are required to make donations to hospitals and nursing homes as a condition of entry or stay; conference report containing above provisions approved by House and Senate on

October 13, 1977, Public Law 95–142, October 25, 1977; participation in conferences with the Department of Health, Education & Welfare's Program Integrity Division, incident to formulation of regulations to implement the described amendment.

GAO home health service report.—General Accounting Office investigation and report on the cost effectiveness of home health care as contrasted with nursing home care was undertaken at the request of the Chairman and was published December 30, 1977. ("Home Health—The Need For A National Policy To Better Provide For The Elderly", HRD–78–19)

Home health authorization.—An amendment to restore the prior authorization ($12 million) for home health expansion and development demonstration grant program ($8 million for home health demonstration projects; $4 million for home health training projects) was offered by the Chairman, passed in the House and Senate, and signed into law on December 28, 1977. (Health Assistance Program Extension Act of 1977, H.R. 4975, Public Law 95–83)

High Blood Pressure Panel.—On November 3, 1978, Chairman Pepper, appointed an advisory panel on the treatment of high blood pressure. The Panel will meet with the House Select Committee on Aging in January, 1979. A report will be prepared recommending legislative and administrative initiatives to combat hypertension.

Housing

Congregate services.—Amendments (Title V) to the Housing And Community Development Amendments of 1978 (H.R. 12433) (S. 3084) offered by Representative Lundine of the Aging Committee, and approved by the House on July 21, 1978, to provide $80 million over a period of 3 years to supply congregate services, including personal services and nutritional meals, to the elderly and handicapped in congregate housing projects of local public housing agencies and nonprofit corporations who are participants in the Section 202 loan program for housing the elderly and handicapped. (Conference Report approved by the Senate on October 14th and by the House on October 15th, 1978, authorizing for congregate services not to exceed $20 million for fiscal year 1979, $25 million for 1980, $35 million for 1981, and $40 million for 1982; Public Law 95–557, October 31, 1978.)

Training program for section 202 minority sponsors.—Development of a training program by Subcommittee On Housing And Consumer Interests for minority nonprofit corporation sponsors of Section 202 housing for the elderly loan program to enable them to compete more effectively for Sec. 202 assistance and to handle more expeditiously the construction and management of Section 202 housing projects.

Legal services

Legal Services Corporation reauthorization.—An amendment to the Legal Services Corporation reauthorization bill (H.R. 6666) offered by Representative Biaggi, and supported by members of th Aging Committee requiring that in setting priorities local program shall take into account those segments of the poor with demonstrate access difficulties, including the elderly and handicapped. (Conference Report containing the above provision was approved by th House on December 7, 1977 and by the Senate on December 15, 1977 Public Law 95–222, December 28, 1977.)

Social services

Older Americans Act Amendments.—Amendments to Comprehensive Older Americans Act Amendments of 1978, H.R. 12255, which correspond to Aging Committee recommendations, many of which were offered by Aging Committee members (Public Law 95–478, Oct. 18, 1978):

(1) Provide separate authorization for home delivered meals;

(2) Authorize direct funding to Indian tribes for social and nutritional services;

(3) Provide for the Administration On Aging to make limited reimbursement to Area Agencies On Aging who furnish disaster relief to the elderly;

(4) Supply (subject to limitations) funds for new construction, staffing and operation of senior centers;

(5) Strengthen nursing home ombudsmen program;

(6) Consolidate for administrative purposes Title III (social services), Title V (senior centers), and Title VII (nutrition);

(7) Authorize a 3-year rather than a 1-year planning cycle for State programs;

(8) Authorize a 1981 White House Conference On Aging;

(9) Authorize model projects to improve the rural service delivery system;

(10) Set a more flexible income eligibility standard (up to 125% of poverty guidelines) for Title IX jobs;

(11) Authorize a program of community based assessment of long term care needs of older persons;

(12) Authorize Federal grants to assist with acquisition of buildings to house senior centers by leasing as well as by purchase;

(13) Increase authorization for Community Service Employment of older Americans.

Transportation

Reduced airline fares.—A bill to permit reduced airline fares for the elderly and handicapped (An Aging Committee recommendation) was signed into law on November 9, 1977. The Civil Aeronautics Board has approved, and some airlines are now offering reduced air fares to the elderly and handicapped on a stand-by, space available basis. (H.R. 6010, Aviation Insurance And Reinsurance; Public Law 95163, November 9, 1977)

Bus access features for elderly and handicapped.—U.S. Department of Transportation issued regulations requiring that providers of transportation receiving Federal aid furnish and develop facilities that satisfy the special needs of the handicapped. A substantial number of older people fall into this category. All buses purchased with Federal aid after September 30, 1979, would have to have barrier free features (i.e., boarding ramps, wide doors, lowered floor, etc.). Action described above reflects recommendations of Subcommittee on Human Services of Committee On Aging.

Grants for vehicles.—U.S. Department of Transportation made available $22 million for vehicles and equipment for grants to private nonprofit organizations to provide special transportation services to elderly and handicapped persons in fiscal year 1977, and $25 million in fiscal year 1978 (P.L. 95–85: August 2, 1977). The described action parallels recommendations of the Committee On Aging.

SUMMARY OF COMMITTEE HISTORY, JURISDICTION, AND ORGANIZATION

History

The Committee on Aging became operational in 1975. An amendment to House Resolution 988, the Committee Reform Amendments of 1974, authorized organizing a Select Committee on Aging in the U.S. House of Representatives (Congressional Record, page H 9809, October 2, 1974). Impetus for the amendment came in part from recognition that the Senate had a committee on aging since 1961 but the House had no comparable committee to look into the problems of the elderly. About 70% of the membership of the House favored constituting a committee on aging (323 ayes, 84 noes, and 27 not voting). The Aging Committees existence dates from 1975 because H. Res. 988 said that the Committee Reform Amendments take effect on January 3, 1975, rather than on the date of passage.

Jurisdiction

The enabling Rule that made the permanent Select Committee on Aging possible says that the Committee shall not have any legislative jurisdiction. This limitation recognizes that no single committee could report bills on all of the programs, concerns, and issues involving aging and the aged. Of necessity the Committee's jurisdiction is confined to investigative functions, oversight activities, and formulation of legislative recommendations. Rule X(6)(g) of the Rules of the House of Representatives sets out the Committee's authority and its responsibilities. The pertinent paragraphs of this subsection of Rule X states:

> (g) There shall be in the House the permanent Select Committee on Aging, which shall not have legislative jurisdiction but which shall have jurisdiction—
>
> (1) to conduct a continuing comprehensive study and review of the problems of the older American, including but not limited to income maintenance, housing, health (including medical research), welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens;
>
> (2) to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of the knowledge, skills, special aptitudes, and abilities of older Americans to contribute to a better quality of life for all Americans;
>
> (3) to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and
>
> (4) to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans.

Appointment of members

In the 94th Congress 28 members of the U.S. House of Representatives made up the total membership of the Select Committee on Aging. The Speaker of the House decided that in the 95th Congress the number of members should be expanded to a total of 34.

On January 19, 1977, the Speaker appointed the following 23 members of the U.S. House of Representatives to serve on the Select Committee on Aging, and designated Claude Pepper to serve as chairman: Mr. Pepper, Florida, chairman; Mr. Roybal, California; Mr. Rooney, Pennsylvania; Mr. Biaggi, New York; Mr. Flowers, Alabama; Mr. Andrews, North Carolina; Mr. John L. Burton, California; Mr. Beard, Rhode Island; Mr. Blouin, Iowa; Mr. Bonker, Washington; Mr. Downey, New York; Mr. Florio, New Jersey; Mr. Ford, Tennessee; Mr. Hughes, New Jersey; Mrs. Lloyd, Tennessee; Mr. Santini, Nevada; Mr. Risenhoover, Oklahoma; Mr. Drinan, Massachusetts; Mr. Evans, Indiana; Ms. Meyner, New Jersey; Mr. Russo, Illinois; Mr. Lundine, New York; and Ms. Oakar, Ohio. (Congressional Record, page 418, January 19, 1977)

On January 31, 1977, the Speaker appointed the following 11 additional members to serve on the Committee on Aging: Mr. Bob Wilson, California; Mr. Wampler, Virginia; Mr. Haummerschmidt, Arkansas; Mr. Cohen, Maine; Mr. Sarasin, Connecticut; Mr. Walsh, New York; Mr. Grassley, Iowa; Mr. Abdnor, S. Dakota; Mr. Cochran, Mississippi; Mr. Rinaldo, New Jersey; and Mr. Marks, Pennsylvania. (Congressional Record, page H 601, January 31, 1977)

After the Committee on Aging was organized, a number of changes occurred in membership. Mr. Bob Wilson of California sent a letter to the Speaker on August 1, 1977, indicating his intention to resign from the Committee. The question of whether the resignation should be accepted was considered by the House on August 1, 1977, and approved. The Speaker appointed Mr. Ralph S. Regula of Ohio to fill the vacancy that occurred when Mr. Wilson resigned. In addition to serving on the full Committee, Mr. Regula agreed to serve on the Committee's Subcommittee on Retirement Income and Employment. Following the resignation of Mr. Bob Wilson (senior minority member), Mr. William Wampler of Virginia became senior minority member of the Committee. (Congressional Record, page H 8223, August 1, 1977)

On July 18, 1978, Mr. William F. Walsh of New York sent a communication to the Speaker indicating his intention to resign from membership on the Committee. The question of whether the resignation should be accepted was considered by the House on July 25, 1978, and approved. The Speaker then appointed Mr. John E. Cunningham of Washington to fill the vacancy that occurred when Mr. Walsh resigned. In addition to serving on the Committee, Mr. Cunningham accepted an assignment from the Committee to serve on the Subcommittee on Housing and Consumer Interests. (Congressional Record, page H 7240, July 25, 1978)

Committee rules

Members of the Select Committee on Aging adopted rules on March 3, 1977 to govern the operations of the Committee during the 95th Congress. On February 2, 1978, the Committee amended the rules that were adopted in 1977. The Rules under which the Committee operated in 1977, and up until February 2, 1978, are reproduced in Appendix A, and the Rules under which the Committee operated on and after February 2, 1978, are reproduced in Appendix B. Committee Rules adopted by the Committee on March 3, 1977, were published in the Congressional Record at pages 1752–1753, on March 4, 1977.

ORGANIZATION OF SUBCOMMITTEES

Membership of the full Committee was organized into 4 Subcommittees on March 3, 1977. Division of Subcommittee membership was arranged to constitute the same ratio of majority to minority party members on each Subcommittee as the 2 to 1 plus 1 ratio of majority to minority party members on the full committee. This apportionment carries out the principle enumerated in manual III of the Democratic Caucus Rules. Subcommittee chairmen and Subcommittee members were elected to serve on the following Subcommittees:

SUCOMMITTEE NO. 1—RETIREMENT INCOME AND EMPLOYMENT

FRED B. ROONEY, Pennsylvania, *Chairman*

WALTER FLOWERS, Alabama
JOHN L. BURTON, California
DON BONKER, Washington
THOMAS J. DOWNEY, New York
DAVID W. EVANS, Indiana
MARY ROSE OAKAR, Ohio
JAMES J. FLORIO, New Jersey

WILLIAM C. WAMPLER, Virginia,
CHARLES E. GRASSLEY, Iowa
THAD COCHRAN, Mississippi
RALPH S. REGULA, Ohio[1]

SUBCOMMITTEE NO. 2—HEALTH AND LONG-TERM CARE

CLAUDE PEPPER, Florida, *Chairman*

TED F. ANDREWS, North Carolina
EDWARD P. BEARD, Rhode Island
HAROLD E. FORD, Tennessee
MARILYN LLOYD, Tennessee
ROBERT F. DRINAN, Massachusetts
STANLEY N. LUNDINE, New York

WILLIAM S. COHEN, Maine
MARC L. MARKS, Pennsylvania

SUBCOMMITTEE NO. 3—HOUSING AND CONSUMER INTERESTS

EDWARD R. ROYBAL, California, *Chairman*

JIM SANTINI, Nevada
TED RISENHOOVER, Oklahoma
ROBERT F. DRINAN, Massachusetts
DAVID W. EVANS, Indiana
STANLEY N. LUNDINE, New York
MARY ROSE OAKAR, Ohio
MARIO BIAGGI, New York

JOHN PAUL HAMMERSCHMIDT, Arkansas
WILLIAM F. WALSH, New York[2]
MATTHEW J. RINALDO, New Jersey
JOHN E. CUNNINGHAM,[3] **Washington**

SUBCOMMITTEE NO. 4—FEDERAL, STATE AND COMMUNITY SERVICES[4]

MARIO BIAGGI, New York, *Chairman*

WILLIAM J. HUGHES, New Jersey
MICHAEL T. BLOUIN, Iowa
JAMES J. FLORIO, New Jersey
HELEN S. MEYNER, New Jersey
MARTY RUSSO, Illinois

BOB WILSON, California
RONALD A. SARASIN, Connecticut
JAMES ABDNOR, South Dakota

MINORITY STAFF

During 1977 the Committee assigned 8 employees to assist the minority party with projects of special interest to them. Assigned to the full Committee to assist minority party members are a minority staff director and secretary. Each of the Committee's four Subcommittees employed the services of a minority staff director, and two secretaries were assigned to assist the minority party members and Subcommittee minority staff directors. In 1978 assignment of minority personnel to assist minority party members, and to carry out duties on the full Committee, and its Subcommittes, was essentially the same as in 1977 with the exception that 2 additional secretaries were employed to assist minority members serving on Subcommittees and Subcommittee minority staff directors.

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[1] Appointed Aug. 1, 1977.
[2] Resigned July 25, 1978.
[3] Appointed July 25, 1978.
[4] Redesignated Human Services on Apr. 12, 1978.

INTERNS AND SPECIALISTS

Interns from colleges and universities helped advance the Committee's work in the 95th Congress by collecting data, researching legislative and programmatic issues, and authoring work papers that provided information for Committee members. Services of 40 student interns were made available to the Committee on Aging. The following colleges and universities are among those which provided student interns:

Brandeis University
Yale University
Harvard University
George Washington University
Lehigh University
Ohio State University
University of Colorado
Georgetown University
Virginia Polytechnic Institute and State University
Radford College
University of Virginia
University of Maryland
Bridgeport University
Connecticut University
St. Lawrence University

The Committee on Aging is indebted to Ann Foote Cahn for her substantial contribution to a special study of the Committee on socio-economic problems of middle aged women entitled "The Midlife Woman".

General Accounting Office.—From time to time the Committee on Aging has called upon the General Accounting Office to undertake some aspect of a study or investigation that could be accomplished only through the special skills of the General Accounting Office. In response to the request of the Chairman, the General Accounting Office conducted an investigation, and on December 30, 1977 issued a report ("Home Health—The Need For a National Policy To Better Provide For The Elderly") on the comparative cost of home health care and nursing home care. This GAO report reinforced the Committee's prior findings, and helped form a solid basis for Committee recommendations, and the introduction of testimony before the Ways and Means Committee, on amendments to the Medicare law to broaden coverage for home health care.

Government Printing Office.—The Committee on Aging recognizes the able assistance of two specialists, Ted Kimmerly and Ruben Rivas, detailed to the Committee from the U.S. Government Printing Office to help the Committee with preparation for printing of its hearings, reports, informational aids, and special studies.

House Information Systems.—On more than one occasion in the 95th Congress, the Committee has asked House Information Systems to make available to the Committee its knowledge of programming, data processing, and its computer capability to assist the Committee in the design of questionnaire and processing of responses to surveys. House Information Systems has contributed to the advancement of the Committee's work by helping design and process the Committee's

Area Agency on Aging survey and its Medicare Supplemental Insurance Survey.

FUNDING

Unlike standing committees who have authority under the House Rules to pay the salaries of staff employees from the contingent fund, the Committee on Aging, as a select committee, has no such authority. Consequently all expenses of the Aging Committee, including salaries of its employees, must be covered by a single funding resolution. The House approved a resolution in the amount of $787,625 to cover expenses of the Select Committee on Aging in 1977 (H. Res. 382, Congressional Record, page H 2382, March 22, 1977). For 1978 a resolution was approved by the House for the Committee on Aging in the amount of $985,891 (H. Res. 1021, Congressional Record, page H. 1913, March 10, 1978). The increase in 1978 funding over 1977 funding is explained in part by the need for upward adjustment in the Committee budget to compensate for the effects of inflation, and in part by the need to cover anticipated additional expenses attributable to an expansion of projects undertaken by the Committee. Income and expenditures of the Select Committee on Aging for 1977 are explained in detail in Appendix C, and for 1978 in Appendix D.

SERVICE ACTIVITIES

Operational now for 4 years, the Committee on Aging is recognized as a specialized source of information on aging and the aged. Information is furnished to the House, and to the public, through a Committee newsletter, telephone conferences, replies to letters of inquiry, and publication of the Committee's reports, studies, hearings, and work papers. In all the Committee has issued, and will issue, 54 publications (reports, studies, hearings, work papers) during the 95th Congress, and has published 20 issues of "Accent On Aging", a newsletter that tells about developments in aging. The Committee's newsletter is distributed to 436 House offices and to about 3,765 organizations and individuals. On the average the Committee responds to about 10 to 20 telephone requests for information each day, and about an equal number of requests for information are received through the mail.

The Committee on Aging assists with the preparation of source materials, prepares analyses of bills, reports on the status of legislation affecting older people, and identifies issues critical to older people. To carry on its oversight and investigative functions, the Committee on Aging maintains contact with Federal agencies, and committees of Congress that have jurisdiction over programs affecting older people. In this way the Aging Committee can tell whether Congressional directives are being carried out, and prepare legislative recommendations on issues affecting older people.

PUBLICATIONS

Some of the publications of the Committee on Aging are the product of the work of the full Committee. Other publications are attributable to its Subcommittees. Subcommittee publications are identified and treated in separate sections of this report dealing with

Subcommittee activities. Following is a list of the Committee's hearings, briefings, reports, and special studies published, and to be published, relating to the Committee's work during the 95th Congress:

REPORTS

Publication No.		Date of publication
87	"In Search of Security: A National Perspective on Elderly Crime Victimization"	April 1977.
91	"Mandatory Retirement: The Social and Human Cost of Enforced Idleness."	August 1977.

SPECIAL STUDIES

97	"Federal Responsibility to the Elderly" (executive programs and legislative jurisdiction)—revised edition.	October 1977.
131	"Area Agencies on Aging and the Older Americans Act"	Mar. 17, 1978.
160	"Abuses in the Sale of Health Insurance to the Elderly in Supplementation of Medicare: A National Scandal."	
	"Nursing Homes: An American Social Crisis."	
	"The Midlife Women" (part I)	
	"The Midlife Women" (part II)	
	"Index to Witnesses."	
	"The Emerging Aging Network."	

HEARINGS (WASHINGTON, D.C.)

Publication No.		Date of hearing
88	"Retirement Age Policies" (part I)	Mar. 16, 1977.
89	"Retirement Age Policies" (part II)	Mar. 16 and 17, 1977.
92	"Active Americans Over 65 Speak on Retirement Age Policies"	May 25, 1977.
93	"Fragmentation of Services for the Elderly"	Apr. 4, 1977.
98	"The National Crisis in Adult Care Homes"	June 8, 1977.
105	"Older Americans Programs Oversight"	Aug. 3 and Sept. 15, 1977.
109	"Age Stereotyping and Television"	Sept. 8, 1977.
118	"Weather Disasters and the Elderly"	June 29, 1977.
122	"Research Into Crime Against the Elderly" (part I)	Jan. 31, 1977.
123	"Research Into Crime Against the Elderly" (part II)	Feb. 1, 1977.
128	"Televised Advertising and the Elderly"	Jan. 26, 1978.
136	"The Need for Health and Social Services in Elderly Housing."	Apr. 12, 1978.
139	"Home Care for the Elderly: The Need for a National Policy"	Feb. 22, 1978.
144	"Impact on the Elderly of the Fiscal Year 1979 Budget"	Mar. 2, 1978.
154	"Poverty Among America's Aged"	Aug. 9, 1978.
	"Fraud and Racketeering in Medicare and Medicaid"	Oct. 4, 1978.
	"The Sale of Health Insurance to the Elderly"	Nov. 28, 1978.
95-9	"Consequences Of Changing U.S. Population: Demographics Of Aging" (in conjunction with Select Committee on Population).	May 24, 1978.

FIELD HEARINGS

90	"Guidance and Counseling for the Elderly" (Dallas, Tex.)	Mar. 7, 1977.
94	"Elderly Crime Victims Compensation"	Feb. 16, 1977.
95	"Retirement Age Policies in Massachusetts (Brookline, Mass., and Waltham, Mass.).	May 6, 1977.
101	"Active Americans Over 65: A Case Against Mandatory Retirement" (New York, N.Y.).	July 11, 1977.
104	"Urban and Rural Housing for the Elderly" (Jamestown, N.Y.)	Aug. 17, 1977.
106	"Retirement Age Policies and Housing for the Elderly in Cleveland, Ohio"	Aug. 8, 9, 10, 1977.
114	"Welfare Reform and the Elderly Poor" (part I) (Miami, Fla.)	Nov. 21, 1977.
115	"Welfare Reform and the Elderly Poor" (part II) (Miami, Fla.)	Nov. 21, 1977.
120	"Older Americans Programs Oversight in Waterloo, Iowa"	Jan. 9, 1977.
132	"Health Care Problems of the Elderly in New Jersey" (Union, N.J.)	Feb. 13, 1978.
134	"Adult Boarding Homes" (Atlantic City, N.J.)	Feb. 10, 1978.
140	"Older Americans Programs Oversight in Muskogee, Okla"	Dec. 16, 1977.
141	"Special Needs and Problems of the elderly in Memphis (Memphis, Tenn.)	Mar. 30, 1978.
145	"New York Home Care Abuse" (New York, N.Y.)	Feb. 6, 1978.
147	"Energy Needs of Older Americans"	Apr. 8, 1978.
148	"Older Americans Programs Oversight in Chester, Pa."	Mar. 3, 1978.
152	"Needs of the Hispanic Elderly" (Miami, Fla.)	Mar. 28, 1978.
156	"Needs of the Minority Elderly" (Miami, Fla.)	Mar. 29, 1978.
157	"Impact of Fiscal Year 1979 Budget Request on New Jersey Aging Programs" (Camden, N.J.).	Apr. 1, 1978.
158	"Economic Plight of the Elderly" (Cincinnati, Ohio)	Aug. 21, 1978.
159	"Alternatives to Institutionalization in Washington State" (Seattle and Spokane, Washington).	June 16, 1978.
162	"Avocational and Employment Needs of Retired Persons" (Hackettstown, N.J.).	Feb. 11, 1978.

BRIEFINGS

Publication No.		Date of briefing
146	"Violent Crime Against the Elderly" (Miami, Fla.)	June 3, 1978.
153	"Closing of Post Street Convalescent Home" (San Francisco, Calif.)	June 22, 1978.
161	"Needs of the Rural Elderly: A Community Conference" (Big Stone Gap, Va.).	Aug. 21, 1978.
....	"Inflation and the Elderly" (Allentown, Pa.)	Oct. 20, 1978.
....	"National Health Insurance and the Elderly" (Elmira, N.Y.)	Dec. 8, 1978.

DESCRIPTION OF SELECTED REPORTS AND STUDIES

Through hearings, surveys, and independent research, the Committee on Aging accumulates a considerable amount of factual information on issues involving aging and the aged, the significant portions of which are more useable and readily retrievable if sifted, refined, and incorporated into reports and work papers. Descriptions of selected Committee reports and studies are treated in subsequent paragraphs of this section of the Committee's report.*

REPORTS

"In Search of Security: A National Perspective on Elderly Crime Victimization"

This report assesses evidence received at Committee hearings on how crime, and the threat of criminal activity, affects older Americans. It discloses that a significant number of older people are victims of criminal activity, that the victimization rate is increasing, and that the older American in the inner city is disproportionately the victim of crime. The Report also provides information on programs designed to prevent criminal victimization of the elderly in order to assist agencies, organizations, the individuals in the establishment of crime prevention programs; and discusses techniques and concepts for securing residences and neighborhoods against criminal activity. Set out in the report are specific recommendations to Congress, Federal agencies, and units of local government on discouraging crime, or alleviating the effects of crime against the elderly by indemnifying elderly victims for their losses, constituting a Central Office of Criminal Justice Statistics to provide information on the underlying causes of crime against the elderly, authorizing programs to overcome learning disabilities in order to reduce the incidence of school drop-outs and concommittent delinquency, providing incentives to stimulate the installation of home security devices, funding Law Enforcement Assistance Administration research and demonstration projects on curbing crime against the elderly, providing linkages between police departments and social service agencies, continuing programs that deal with unemployment among teenagers by providing education, training, and job opportunities. The full text of the Committee's recommendations can be found in the Committee's report beginning at page 81. Over 2,500 copies of this publication were made available to Members of

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*Each of the Subcommittees of the Committee on Aging has published, or is in the process of publishing, reports and studies that draw together and reach conclusions about their investigative findings. If such publications are not treated in this section of the report, they may be found in sections of this report that concentrate on Subcommittee activities.

Congress at their request. The report was prepared by the Committee's Subcommittee on Housing and Consumer Interests.

"Mandatory Retirement: The Social and Human Cost of Enforced Idleness"

Issues involving mandatory retirement, and extension of protection of the Age Discrimination in Employment Act to cover those age 65 and over, were fully explored by the Committee on Aging in 10 days of hearings and through independent investigations and studies. The results are incorporated into the Committee's report entitled "Mandatory Retirement: The Social and Human Cost of Enforced Idleness". Included in the report are thoroughly documented critiques of the arguments for and against mandatory retirement, statistical data on the prevalence of forced retirement practices and the inclination of older workers to seek or defer retirement. The report discusses the socio-economic implications of mandatory retirement, the constitutionality of mandatory retirement practices, and use of the bona fide occupational qualification exception as a means of excluding older workers from some jobs and ushering others out at an early age.

On the basis of the above findings and conclusions, the Committee on Aging recommended enactment of a bill (H.R. 5383) introduced by Chairman Pepper and reported by the Employment Opportunities Subcommittee of the Education and Labor Committee, to extend protection of the Age Discrimination in Employment Act to those age 65 and over (as well as those between age 40 and up to age 65) in Federal employment, to eliminate the exception to the prohibitions of the Act that permits an employer to retire an employee at an age stated in a bona fide employee benefit or pension plan, to extend coverage of the Act to non-Federal employees age 65 and up to age 70, and to eliminate the ceiling on authorizing funds for enforcement of the Act. The Committee also recommended that the Executive Branch monitor the impact of the proposed changes, prepare a study on the issue of ending mandatory retirement, examine and report findings on whether the prohibitions on age discrimination in employment might be more effectively enforced if such prohibitions were made a part of the Civil Rights Act of 1964. A full discussion of the Committee's recommendations can be found beginning at page 41 of the Committee's report.

SPECIAL STUDIES

"Federal Responsibility to the Elderly" (executive programs and legislative jurisdiction)

"Federal Responsibility to the Elderly" presents Federal programs, and enabling legislation for those programs, in chart form according to categories of subject matter, housing, income, employment, health, social services, etc. It is a tool that is used by the Aging Committee in its oversight of Federal programs, by members of the House in their case work, and by professionals in the field of aging. This 95th Congress publication is a revision of an earlier edition of "Federal Responsibility to the Elderly".

"Age Stereotyping and Television: a Staff Review"

Preliminary to holding hearings on age stereotyping in television programming, a staff study was prepared to form a framework for interrogating witnesses and developing information through the hearing process. This staff study is incorporated into the printed record of the hearing. The study examines ways in which the elderly are portrayed on commercial television, and details the impact of televised portrayal of the elderly. Contrary to the great diversity of personality, ability, and mannerisms that is actually found among older people in real life, there is a tendency in television programming to come up with an all too uniformly negative depiction of older people, a depiction that projects them as less than whole human beings, relegates them to passive, dull roles, or leaves them out when television scenarios are authorized. Difficulties of regulating television broadcasting without impinging upon freedom of speech guarantees is touched upon, and a range of possible actions to correct stereotyping of the elderly is considered, including heightening sensitivity, using boycotts and other forms of pressure, and (as long as it does not suppress freedom of speech and artistic expression) more regulation of the content of programmatic and commercial materials.

"*Televised Advertising and the Elderly: You May Be Getting Better But You're Also Getting Older*"

The study isolates demographic characteristics which identify the elderly as a distinctive market, and examines portrayal of the elderly in televised commercials. The study is included in the Committee on Aging's printed record of the hearing styled "Televised Advertising And The Elderly". Just as in televised programmatic materials, there is also evidence of age stereotyping in television advertising. The study discloses that average incomes and purchasing power of older people is somewhat less than some of the other age categories. Since advertisers gear their advertising to purchasing power, television advertisers are less concerned about alienating elderly buyers. The study finds that when older men are depicted, they are likely to serve as authority figures while older women are more likely to be caricatured or portrayed as incompetent. Although on the average older people have less purchasing power, there are 8 million who have household incomes of $15,000 or more. The study notes that negative stereotyping of the elderly in television advertising "is capable of coloring the self perception of the elderly, others' perceptions of the elderly, and the expectations that each of us bring to the process of aging." The study predicts that as the elderly increase in numbers and in the percent of products they consume, advertisers will become more solicitous of the elderly because "it is unlikely that an advertiser would consciously include negative sterotypes of the elderly in ads whose prime intended audience is elderly".

"*Area Agencies on Aging and the Older Americans Act*"

A Committee Print that contains selected results from a survey completed by more than two-thirds of the Nation's 555 Area Agencies On Aging. The survey was conducted between December, 1977 and January, 1978, and is directed to determining how Area Agencies on Aging are currently functioning. It identifies problems Area Agencies on Aging are encountering in carrying out their responsibilities.

"*Index to Witnesses and Organizations*"

To provide ready access to information, and to assist the Committee on Aging, and researchers, with retrieval of information from the Committee's published hearings, studies, and work papers, an index has been prepared of contributors to the Committee's publications during the 94th Congress (1975 and 1976). Included in the Index are common abbrevations used in the Committee's publications, a list of Committee publications in the 94th Congress, an alphabetical list of individuals who contributed to the Committee's published hearings, reports, studies, and work papers, and an alphabetical list of organizations who made similar contributions.

"*The Midlife Woman (Part I and Part II) (Compendium on Midlife Women: Preparing for Security in Later Years)*"

Women constitute a particularly vulnerable segment of the older population of this country in terms of their economic, social and psychological dependence. In the course of this Committee's work in behalf of the elderly, it has become clear that old age is not an isolated chapter of the human life cycle but a direct outgrowth and reflection of patterns established in earlier years, especially middle age. To the extent that the difficult struggles besetting many older American women can be identified at the point of inception in midlife, their adverse consequences can be mitigated and more responsive and cost-effective public policies developed.

Accordingly, the Subcommittee on Retirement Income and Employment of the Select Committee on Aging, in conjunction with the full Committee, directed the compilation of a compendium of papers by nationally recognized authorities on various issues which determine the quality of a middle aged American woman's life. In this undertaking, the Committee was fortunate to have the benefit of the consulting services of Ann Foote Cahn. The following authors contributed to this compendium:

Robert C. Atchley, Miami University, Oxford, Ohio, "Retirement Preparation for Women"

Zena Smith Blau, Pamela P. Rogers, George T. Oser, and Richard C. Stephens, "School Bells and Work Whistles: Sounds that Echo a Better Life for Women in Years"

Robert Butler, M.D., Director, National Institute on Aging, "Prospects for Midlife Woman"

Andrew J. DuBrin, Rochester Institute of Technology, "Phychological Factors: Reentry and Mid-Career Crisis"

Alan B. Entine, Stonybrook College, "Continuing Education: The Road to Future Security."

Janet Z. Giele, Brandeis University, and Hilda Kahne, Wheaton College, "Meeting Work and Family Responsibilities: Proposals for Flexibility."

Judith H. Hybels, Center on Research for Women, Wellesley College, and Marnie W. Mueller, Ph. D., Assistant Director, Corporate Research, "Voluntarism: Recognition and Accreditation."

Marilyn Johnson, Eagleton Institute of Politics, "Broadening the Elective and Appointive Base."

Eliazbeth Ann Kutza, University of Chicago, "Passed Over by Progress: Women at the Bottom."

Helena Z. Lopata, Loyola University at Chicago, "Changing Roles of Older Women."

Bernice L. Neugarten, University of Chicago, "Midlife Women in the 1980's."

Nancy K. Schlossberg, University of Maryland, and Elinor B. Waters, Director, Continuum Center for Adult Counseling and Leadership, Oakland University, "Counseling: Shifting the Balance from Problem to Possibility."

James H. Schulz, Brandeis University, "Private Pension and Women."

Laurie Shields and Tish Sommers, Alliance for Displaced Homemakers, "Problems of the Displaced Homemaker."

Phyllis R. Silverman, American Institutes for Research in the Behavioral Sciences; lecturer, Harvard University Medical School, "Mutual Help: An Alternate Network."

Gordon F. Streib and Madeline Haug, University of Florida, "Alternative Housing Arrangements."

Charlotte R. Tatro, Institute for Women, Florida International University, and Jacqueline Boles, Georgia State University, "Developing New Careers and Financial Independence."

Lillian E. Troll, Rutgers University and Joanne Turner, Rutgers University, "Overcoming Age-Sex Discrimination."

Several of the authors note the relative lack of attention given thus far to midlife women by researchers, public policy makers and others and make a number of constructive recommendations for change. For example:

(1) Within the next decade, public policy should adapt to the changing needs of successive groups of midlife women who will have different experiential backgrounds and consequently will have different support requirements.

(2) Since many older women and some in middle years find themselves relatively disconnected from society, especially in widowhood, connecting links should be provided between them and community resources.

(3) The nation should strength the two factors which have the most significant effect on women's economic security and well-being in middle and later life—education and work status.

(4) Increased recognition of the problems of women who have been displaced from their jobs as homemakers because of separation, divorce or widowhood should be embodied in concrete remedial programs which will ease their transition into meaningful positions in the work force.

(5) Volunteer work, which has traditionally provided an opportunity to gain useful skills and experience, should become a broader bridge to the paid labor force through increasingly standardized analysis of tasks in the unpaid and paid sectors and through greater acceptance of transferability.

(6) Midlife women in particular need retirement guidance because they tend to be employed in the kinds of jobs that have no stated retirement policy, no retirement planning programs, no private pension, and no continuation into retirement of insurance and other benefits.

(7) Although increasing numbers of mature women are already benefiting from continuing education so as to meet personal and career goals, additional government support and funding are necessary, especially to expand inadequate participation by women with the greatest need—those from low income, low education and minority backgrounds.

(8) New institutional approaches are necessary to enhance and credit women's two-fold contribution to society—both as a part-

or full-time worker in the labor force and as a wife-mother in the home.

(9) Psychological support and institutional changes are necessary to enable women to overcome fear of job market entry and reentry, as well as anxieties associated with mid-career crises.

(10) To enter the job market for the first time in their lives, or after a long absence, midlife women need access to multiple support systems ranging from counseling, education and training to financial guidance.

(11) For increased protection in later years to supplement their social security, midlife women need more coverage by private pensions, both directly and as possible survivors of covered spouses.

(12) For the over 2 million midlife women living in poverty government should provide increased economic security through a services strategy and an income strategy.

(13) Strengthened counseling programs are essential to enable midlife women to cope with the wide variety of normal developmental changes which occur in their lives, such as identity confusion, fear, anxiety and loneliness, family problems, and career issues.

(14) Mutual help networks, a constructive informal system that strengthens both the giver and receiver of help, should be reinforced so as to help more midlife women cope with normal life transitions, as well as with other changes that are not necessarily crises.

(15) Widespread biases against middle age, persisting throughout society and among midlife women themselves, should be counteracted by a variety of remedial programs.

(16) "Women alone," approximately 27 percent of midlife women today, should have access to viable alternative forms of living arrangements for economic reasons, as well as to compensate for the lost companionship and reciprocity of the traditional nuclear family.

(17) Under-representation of women in elective and appointive office, a serious condition caused by and contributing to women's dependence, should be corrected by allocation of resources to groups striving for equal participation in political and administrative structures.

(18) To accommodate the changing roles, needs and expectations of middle aged women requires increased responsiveness by society's institutions, governmental programs should widen options for middle aged women and should broaden presently available data through increased research.

The Committee views these writings as a call to action to help midlife women better prepare themselves for security and fulfillment in their advanced years. In the 96th Congress an intensive effort will be made to advance many of these proposals.

DUMPING OF MENTAL PATIENTS

On May 26, Congressman Pepper released the results of his survey of State Departments of Mental Health revealing what he called "the national scandal to transfer thousands of mental patients from state hospitals into old hotels and for-profit boarding homes."

"Our study indicates that the number of inpatients in state mental hospitals dropped 62 percent from 427,709 in 1969 to 160,830 at the end of 1977. During this same period, the number of aged inpatients has been reduced at an even sharper rate, by 66 percent. There is evidence that patients are being discharged wholesale. Many are not receiving the care and services that they need. More often than not they have been placed in slum housing such as old hotels and boarding homes and forgotten. The primary reason for all these transfers has been to save the states money and yet over the same 8 years when the inpatient population has been reduced by 62 percent, state budgets have increased 100 percent. We have a major scandal on our hands," charged Congressman Pepper.

Findings from the Pepper study include:

(1) Total inpatients decreased from 427,709 in 1969 to 160,830 at the end of 1977, a drop of 62 percent.

(2) Aged inpatients (over 65) dropped from 133,261 in 1969 to 44,669 in 1977, a reduction of 66 percent.

(3) Total admissions to state hospitals increased only 2 percent over the 8 year period, from 378,646 to 385,561.

(4) Total discharges from state hospitals stayed about the same, 391,447 in 1969 and 385,940 in 1977, a decrease in 1 percent.

(5) Total admissions and total discharges in both 1969 and 1977 were constant. Some 378,646 were admitted and 391,447 were discharged in 1969. Similarly, 385,561 were admitted and 385,940 were discharged in 1977.

(6) Total dollars budgeted for mental health by the states doubled from $2.2 billion in 1969 to $4.4 billion in 1977.

(7) The average yearly cost of keeping a patient in a state mental hospital increased 272 percent from $5,626 in 1969 to $20,924 at the end of 1977.

COMMITTEE BUSINESS MEETINGS

The Rules of the Select Committee on Aging provide that meetings of the full Committee shall be held periodically, unless the Chairman dispenses with such periodic meetings; and meetings in addition to periodic or regular meetings may be held at the call of the Chairman. (Rule No. 2) Special meetings may be requested in accordance with the provisions of House Rule XI (2)(c)(2) when at least 3 members of the Committee join in asking the Chairman to hold a special meeting. Business conducted at Committee meeetings is not set out in detail in this section of the report, because matters taken up at business meetings are reflected throughout the report in discussion of Committee action. During the 95th Congress, the Committee held business meetings on the following dates:

95th Congress, first session: March 3, 1977; April 20, 1977; and July 13, 1977.

95th Congress, second session: February 2, 1978; March 2, 1978; and August 9, 1978.

COMMITTEE HEARINGS

During the 95th Congress the Select Committee on Aging held 87 days of public hearings in Washington, D.C., and in other cities across the country. Of the 87 days of public hearings 46 days of hearings were held outside Washington, D.C. The Committee received testimony from approximately 1,118 witnesses, and recorded over 9,576 pages of testimony.

The Committee hearings were conducted either under authority of the full Committee or of its Subcommittees. Only hearings conducted under authority of the full Committee will be treated in this section of the report. Hearings of the Subcommittees are treated in those sections of the report relating to Subcommittee activities.

This section of the report contains descriptions of selected full Committee hearings that illustrate the development of factual materials through the hearing process. The subject matter has been divided into two categories, hearings held in Washington, D.C. and field hearings. Hearings held in Washington, D.C. usually concentrate on a single theme. "Field hearings" are usually used to develop multiple themes, and to obtain testimony from those most directly affected by Federal laws or the workings of Federal programs. Division of the subject matters into two categories should make it easier for users of this publication to locate the type of information for which they are looking.

FULL COMMITTEE OVERSIGHT AND INVESTIGATIVE HEARINGS (WASHINGTON, D.C.)

Retirement Age Policies (Parts I and II)

Hearings, March 16, 1977

The Committee had determined that a detailed examination of mandatory retirement policies and related issues were to be among its highest priorities in the 95th Congress. Accordingly, one of the first full Committee hearings assembled witnesses from private industry, aging organizations, unions and scholars interested in the subject.

What emerged gradually from the testimony was the thesis that, despite dire warnings about the effects of ending mandatory requirement on worker productivity and morale, upward mobility for youth, women and minorities and other suspected evils, there was little evidence of the fears being realized among the two-thirds of the nation's work force not subject to forced retirement because of age.

Important information on the tendency of workers to exercise, where available, their rights to stay on the job beyond age 65, was developed at the hearing.

The Committee also learned about the adverse impact of mandatory retirement, both psychologically and physiologically, on older individuals themselves.

The hearings were an important tool in shaping the thinking of Committee members on the issue of mandatory retirement, and yielded invaluable information on which, in part, the Committee could base its analysis of and recommendations on that important issue.

Fragmentation of Services for the Elderly

Hearing, April 4, 1977

One of the most sought-after committee publications since its first issuance in 1975 has been a summary of major federal programs serving the elderly, with information about which agencies administer the programs and which Congressional committees have jurisdiction over them. The booklet's popularity is not hard to trace: the federal government maintains such a jigsaw puzzle of programs serving the elderly that almost no one knows the full extent of what is available, and the level of cooperation and coordination among those programs is disappointingly low.

To highlight this confusing state of affairs, and to examine possible steps toward minimizing the problem, the full Committee convened a hearing on April 4, 1977, on "Fragmentation of Services for the Elderly."

Chairman Pepper noted in his opening statement that "each federal program treats (only) one part of the elderly person's needs." No one bears the responsibility for looking at all of the needs of a particular person. He suggested that area agencies on aging, funded under the Older Americans Act, might be the proper mechanism for "getting it all together."

Administration witnesses outlined changes in the organization of the Administration on Aging (AoA) which were aimed at improving efficiency. Several older persons from the District of Columbia, and their friends and advocates, told the Committee about specific quirks in the system that required repeated trips to different locations to receive different services.

Testimony was also heard from officials of the Federal Paperwork Commission and an experimental program, "SPAARS," which is trying to develop an application form that can be used to apply for benefits under a number of federal programs at the same time.

Consultants in the field of aging testified that action was needed to resolve conflicts in eligibility criteria, organizational structure and resources available for the tasks assigned.

The Chairman announced that information developed at and for the hearing would be made available to the President's Reorganization Project within the Office of Management and Budget, which will be formulating recommendations on this subject for consideration by the Congress.

The National Crisis in Adult Care Homes

On June 8, 1977, the Select Committee on Aging held hearings on "The National Crisis in Adult Care Homes." These facilities, which house an estimated half milion elderly persons, fall between nursing home care and independent living. An adult care home is essentially social-service oriented as opposed to one which is medical in character. Those who reside in this type of facility generally neither need nor want the highly institutionalized life style and medically oriented services available in nursing homes. Yet many of them are not capable of living in a totally independent environment. Basically, they are too healthy to qualify for nursing homes and too infirm to stay at home alone.

The purpose of the hearing was to address the abuses which were found to be rampant in unregulated adult care facilities and to discuss appropriate legislation to curb fraud and abuse through regulation.

Witnesses included six State officials, two officials of HEW, Congresswoman Martha Keys and others who had been involved in various investigations on the subject. In general, the witnesses documented abuses in adult care homes, which included: theft of elderly persons' personal funds and social security benefits; overcrowded, unsanitary, slum-like living conditions; foul, distasteful food; physical and psychological abuse of elderly residents and the like.

Witnesses agreed that efforts at regulation have been stifled by everal problems. One problem was confirming the number of people ho would be affected by regulation. The State officials could only stimate how many adult care homes and residents there were in their tates. It was also clear that many more elderly could benefit from is type of living arrangement once regulation could assure adequate nditions. Besides the number problem, a clear definition of adult care cilities is necessary before any Federal regulation can be drafted. nother problem is defining the needs of the facility's residents and hat should or should not be required, i.e., should there be other serv- es provided besides room and board, such as transportation services, eaningful activities, special nutritional requirements, etc?

The witnesses generally agreed that although the Keys amendment, gislation designed to regulate adult care homes, was desirable, the nendment added by the Senate which would withhold the SSI checks residents until the home in which they reside complied with State ensing standards, was a means of penalizing the wrong people. Modi- ations were suggested along with extension of the deadlines for the ates to comply with regulations since they were not yet drafted by EW. Along these lines, the witnesses also expressed a fear of over- gulation. As in the nursing home industry where regulation was ecessary to curb abuses, many homes found it necessary to close rather an pay the high costs of meeting unmet standards. In the adult care me situation where often it is a very small operation with five to ten sidents, overregulation could cause the demise and shutdown of good mes, leaving residents to fend for themselves.

In summary, the hearing confirmed that abuses are rampant in these pes of facilities however, if properly regulated to provide quality ing conditions, many more elderly could benefit from this type of rangement. Testimony received from the witnesses indicated that al and State units of government do not have sufficient resources to this job alone and strongly suggested the need for major action at Federal level. It was agreed that we have a long way to go before can assure that the residents of these facilities will be able to live in gnity and receive the kind of care they require. We anticipate more tivity in this area during the 96th session.

eather Disasters and the Elderly

On June 29, 1977, Chairman Pepper and Ranking Minority Mem- Wampler were joined by Chairman Perkins of the Committee on ucation and Labor in coordinating a hearing on Weather Disasters d the Elderly to review the Federal response to elderly victims of May 1975 Omaha, Nebraska tornado, the January 1977 Buffalo, w York snowstorm and the April 1977 Appalachian floods. Prior to hearing, the Minority Staff Director of the Subcommittee on tirement Income and Employment and representatives of the gional and Washington Office of the Administration on Aging ited the Presidentially declared disaster areas of Appalachia to ess Federal disaster programs for the elderly.

Testimony at the June 29, 1977 hearing was received from elderly aster victims, Members of Congress representing areas affected by se disasters, Area Agency on Aging directors, the Red Cross, the vation Army, representatives of the Administration on Aging, the

Department of Housing and Urban Development, the Federal Disaster Assistance Administration and the Small Business Administration.

The hearings and available research certainly suggest that the impact of personal property losses, physical injury, and disrupted transportation are borne most heavily by older persons, especially the frail elderly. The Committee found instances where elderly persons waited in sub-zero weather only to be denied emergency food stamps during the New York snowstorm, while others waited in line for two days for benefits and slept in cars during the Appalachian floods. Complaints were also received with regard to delays in receiving temporary housing assistance, home and personal property loans, emergency food stamps, and Individual and Family Grants.

Elderly disaster victims, representatives of voluntary agencies and Area Agencies on Aging personnel, suggested to the Committee on Aging that the difficulties expressed by elderly disaster victims could be alleviated by the presence of counselors or advocates within FDAA one stop centers to provide assistance to disaster victims in precssing housing and personal property loans, disaster relief grants, and medical benefits.

The Committee found that the National network of State and Area Agencies and nutrition projects established under the Older Americans Act, have assumed increased responsibilities for disaster planning, advocacy, outreach and followup during disasters. Area Agencies on Aging mobilized effectively to provide emergency transportation to relief centers and medical facilities, expand the services provided by nutrition centers and home delivered meals, home repair, and assistance in application for Federal disaster benefits.

In March 1978, Congressmen Pepper, Wampler, and other Committee Members, recommended to the Education and Labor Committee at hearings on Reauthorization of the Older Americans Act that weather disaster assistance grants be made available under the Older Americans Act to areas suffering from weather related disasters. This provision was included in the Conference Report on the Older Americans Act which was signed into law on October 18, 1978.

On August 17, 1978 Congressmen Pepper and Wampler in correspondence to the President, recommended that weather disaster assistance programs receive an equal priority with other emergency programs in implementing Presidential Reorganization Plan Number 3. On September 14, 1978 Chairman Pepper delivered remarks during Floor debate on Reorganization Plan 3 to clarify the intent of Congress in reorganization of disaster relief services for the elderly and included Pepper-Wampler correspondence to the President on the needs of elderly disaster victims.

Throughout the 95th Congress representatives of FDAA have met with the Chairman and Committee staff with regard to improving disaster response services for the elderly. Progress has been made by FDAA in designing a central intake application procedure and providing training programs for the special needs of the elderly to disaster counselors.

Older Americans Programs Oversight

Hearings, August 3 and September 15, 1977

In anticipation of the need for action to extend the otherwise-expiring Older Americans Act in 1978, the Committee began in late summer of 1977 a series of hearings into how well the programs under that Act were working.

The first hearing in that group featured testimony by four witnesses: Wesley Uhlman, then mayor of Seattle; Robert Binstock, professor of economics at Brandeis University; Harold Johnson, Director of the Institute of Gerontology, University of Michigan; and Robert Benedict, then head of aging programs for the State of Pennsylvania. All of the witnesses gave the Committee broad-based comments about the Older Americans Act and the philosophy underlying it. Mr. Benedict's eloquent call for a "complete overhaul" of the Act was reportedly a major factor in his later selection as U.S. Commissioner on Aging.

At the September 15 hearing, the Committee heard from major ational organizations in the field of aging, who presented their suggestions for needed changes in the Older Americans Act. Numerous houghtful comments were also received for the hearing record.

These hearings gave the Committee a solid base from which to conduct further, more specialized inquiries into individual programs nder the Act, or its impact in specific geographical areas, with a view oward formulation of comprehensive recommendations for new legis- ation. Many of the ideas surfaced for the first time in these hearings were, in fact, later adopted by the Committee as formal recommenda- ions, with a great many of those subsequently enacted into law.

Research Into Crimes Against the Elderly

On January 31 and February 1, 1978, joint hearings were held by he House Select Committee on Aging, its Subcommittee on Housing nd Consumer Interests and the Science and Technology Subcommittee on Domestic and International Scientific Analysis, Planning, nd Cooperation (DISPAC), to investigate the state of the research nto the problems of crimes against the elderly in order to (1) assess hat has been learned to date about the extent and nature of the prob- em, (2) determine the implications of the research for finding solu- ons to the problem, and (3) determine where there is need for fur- er research.

On the first day representatives from several major university riminal justice programs testified on efforts undertaken to improve r understanding of the elderly victim of crime. Dr. Michael J. indelang, who is responsible for the National Crime Panel Surveys— e major source of information to date about the victims of crime iscussed the major conclusions of the NCP research about the in- dence of crimes against the elderly. Dr. Barry Lebowitz of the Na- onal Institute of Mental Health presented data showing that nearly e-third of the violent crime carried out against the elderly occur the victim's home.

On the second day, representatives from a national federally funded project on crime and the elderly testified concerning model demonstration projects uderway across the United States to curb crime against the elderly. Carl Cunningham, who conducted a three-year investigation of criminal victimization of the elderly in Kansas City, Missouri, told the Committees that criminal victimization of the elderly is primarily a function of high concentrations of elderly citizens residing in dangerous high crime areas of inner cities. Lastly, representatives from several universities discussed the economic and psychological consequences of crime against the elderly.

Nearly all witnesses who appeared before the Committee agreed that although an increasing number of research reports in recent years have greatly improved our understanding of the problem of criminal victimization of older people, there remains much to be learned about why particular patterns of victimization persist, about how crime and the fear of it impact on the elderly, and about what can be done to prevent the victimization of the elderly and assist those who have been victimized.

In particular, witnesses pointed to several specific areas where further research would be fruitful:

(1) If programs are to be developed which will help elderly residents feel more secure and safe from crime in their environment, the sources of their fear must first be accurately identified.

(2) More and better quality data about offenders who commit crime against the elderly, their motivations and techniques, is needed in order to design effective prevention and deterrence programs for the future.

(3) There is a need for more descriptive information about which segments of the elderly population are most susceptible to which crimes.

(4) There is need for reliable statistics which are currently unavailable on the rates of victimization for crimes such as medical quackery and fraud.

(5) There is a need for a variety of research and demonstration projects aimed at finding out what techniques of crime prevention and victim assistance are most effective.

A report on "Research Into Crimes Against the Elderly," prepared jointly by the Select Committee on Aging, its Subcommittee on Housing and Consumer Interests, and the Science and Technology Subcommittee on Domestic and International Scientific Planning, Analysis, and Cooperation, will be submitted for approval early in the 96th Congress.

Home Care for the Elderly: the Need for a National Policy

On February 22, 1978, the Committee heard a full day of testimony concerning the need for an expansion of home health care as an alternative to nursing homes. Among the witnesses was Gregory Ahart, Director of the Human Resources Division of the General Accounting Office. In his testimony, he summarized and discussed GAO's report to the Congress, "Home Health: The Need for a National Policy to Better Provide for the Elderly". That report concluded "Until older people become greatly or extremely impaired, the cost of nursing home care exceeds the cost of home care." The report also provided initial cost estimates for a number of proposed amendments to expand home health care under medicare: $12.5 million for eliminating the visit limit, $12.5 million for removing the prior hospitalization requirement, $92.5 million for eliminating the homebound requirement, and $75.0 million for adding homemaker/chore services. GAO concluded that "the costs associated with these changes would not be prohibitive and could provide disincentives to institutionalization."

Testimony was also presented by Robert Derzon, Administrator of the Health Care Financing Administration, U.S. Department of Health, Education, and Welfare. Mr. Derzon provided HEW's reaction to the GAO report and its recommendations. While he claimed "HEW is committeed to a program that will avoid unnecessary dependence on institutions", the Department refused to endorse any of GAO's recommendations with the exception of removing the prior hospitalization requirement. Members of the Committee indicated their strong disappointment at HEW's refusal to back these Medicare amendments until additional studies were completed. For example, Chairman Pepper asked, "When you say you want to 'assess, take care, and study the many alternatives', are you aware of President Carter's campaign promise which he made in Pittsburgh October 28 and in Miami on October 19, 1976, when he said, 'We do not need to wait, w-a-i-t, for enactment of a national program to improve health services for older people.' One important reform we can begin immediately—now that's an English word in good starting—i-m-m-e-d-i-a-t-e-l-y would be to shift the focus of our programs away from institutions and toward outpatient and home health services. Mr. Pepper added at a July 15, 1977 meeting with the Aging Committee, the President said. "I favor shifting from institutionalization to home care and I will work to achieve this. The President did not say we need to 'take care'. The President did not say we need to 'study the many alternatives'. The President did say that we can begin reforms immediately. Yet, you are now prepared to recommend no legislative action".

The Committee also heard from representatives of three model home care programs: Daphne Krause, president of the Minneapolis Age & Opportunity Center; Ms. Joan Quinn, executive director, Tiage Inc.; and Mr. Michael Markley, president, Long Beach Area Geriatric Health Council. Each provided information concerning the cost-effectiveness of home care, their experiences with various federal health programs, and their own recommendations.

Much of the testimony presented at this hearing was cited by many members of the Committee who favored enacting leigslation introduced by Chairman Pepper (H.R. 10738 to remove the hospitalization and homebound requirements and visit limit, and add homemaker services. At the Aging Committee's urging, the Ways and Means Committee later reported and both the House and Senate passed H.R. 13097 which included provisions removing the visit limit and prior hospitalization requirement. Unfortunately, the legislation was not enacted because the conference committee did not meet to resolve differences relating to other amendments in the legislation.

The Need for Health and Social Services in Elderly Housing

This joint hearing of the full Committee on Aging and the Subcommittee on Housing and Consumer Interests considered what was being done to meet the need for health and nutritional needs of the elderly tenant. Witnesses stressed that the federal government has done a great deal although not nearly enough to provide housing to the elderly. Yet, often it has stopped their providing nothing more than four walls overhead rather than the limited services may older people need to remain independent in their own home. As Chairman Pepper said, "Many older persons have been sentenced by society to live their lives in what amounts to one-room prisons and 85 percent of the deaths in the country due to malnutrition are persons over 65."

The first witnesses were Evan White, a reporter with KGO-TV in San Francisco and Russ Coughlan, Vice President and General Manager of the same station. Their special expertise in this area was a result of a 2 hour documentary aired on KGO, "Old Age: Do not Go Gentle", concerning the problems of the elderly. In investigating these problems, White spent a month living on the maximum SSI allowance of $306 a month in a rented room in a hotel that caters to the elderly. As he described the conditions, it was "antiquated, run-down, no resident manager and certainly no services. Just plenty of cockroaches.

White told the Committee of the inadequacy of the federal government's response to these problems:

Through HUD, we have housing for the elderly, but they provide no services; through HEW, we have countless services for the elderly, but they turn out to be fragmented, complicated, duplicated, and often inaccessible. This must change if we are to insure a healthy and independent life, and above all, one with dignity, for the elderly.

Throughout the European countries we visited, though the form may vary, the substance was consistent and in stark contrast to the conditions here. They offered coordinated services, centralized within housing complexes, including health and maintenance, nutritional, physical, and social therapy. I see no reason why such equally effective programs cannot be offered in this country.

As you know, in this country, without such services, the alternative turns out to be a nursing home. In Europe, they call them "death houses". In this country, our government spends about $8 billion a year supporting the elderly in such institutions.

According to estimates, the number of such institutionalized elderly, either there prematurely or who should not be there at all, range from 30 to 80 percent. Using the first, more conservative number, it means we are spending about $15 million every day that could be better spent bringing services into the communities, to keep people independent and out of those institutions.

The primary obstacle to congregate housing in this country seems to be simply a lack of willingness on the part of the agencies within HUD and HEW to develop the required cooperation to work together.

"Do Not Go Gentle" had recommended comprehensive legislation to develop congregate housing—that is housing that includes the health and social services the elderly so badly need. Russ Coughlan informed the Committee of the incredible response to that recommendation: over 400,000 Bay Area residents sent cards or letters supporting such legislation.

Chairman Pepper and other members of the Committee had special commendations for KGO's unique brand of advocacy journalism. After viewing segments of the program, Pepper said, "seldom in my lifetime have I seen a more powerful, more moving film than what you have shown us today. I only wish that every Federal bureaucrat in the country would be required to see the whole film before making one more decision that ignores the sad situation that you have documented."

The Committee also heard testimony from operators of model congregate housing programs: Steven Bollinger, executive director, Columbus Metro Housing Authority, Columbus, Ohio; Donna Yee, deputy director, OnLok Senior Health Services, San Francisco, California, and Melvin J. Adams, Director, Dade County Department of Housing and Urban Development, Miami, Florida. Their testimony pointed out that because of the continuous jurisdictional squabbles between HUD and HEW, the federal government was itself an obstacle in their efforts.

Legislation proposed by KGO was the basis for a bill (H.R. 12100) introduced jointly by Mr. Pepper and Mr. Roybal with the support and co-sponsorship of many members of the Committee. Subsequently, Rep. Stan Lundine, a member of both the Aging Committee and Banking Committee's Housing Subcommittee, offered a number of amendments with the support of the Aging Committee to expand congregate housing. These amendments authorized $120 million for the next four years for the development of congregate facilities in public housing and section 202 housing for the elderly. This legislation was enacted as part of the Housing and Community Development Amendments.

Impact on the Elderly of the Fiscal Year 1979 Budget

Hearing, March 2, 1978

The Committee has traditionally examined the federal budget very carefully to assess its impact on older persons. When the Administration forwarded its proposed FY 1979 budget to the Congress, major issues were raised by several of the specific requests in aging-related programs. In addition, some Administration officials were being quoted as expressing concern over the allegedly large and growing share of the federal budget going to older persons.

Chairman Pepper noted in his opening statement that some of the figures being cited publicly were misleading and, in several cases, simply inaccurate. He added that much more needed to be done on behalf of older Americans.

Jack Ossoffsky of the National Council on the Aging described the budget not as a "stand-still" budget, but as a "fall-behind" budget.

Officials of the Administration on Aging, the National Institute on Aging, and ACTION described the impact on their programs of the proposed budget amounts. Several Committee members closely questioned ACTION's Deputy Director, Mary King, about the $4.7 million reduction in funding being proposed for the Retired Senior Volunteer Program (RSVP), and the signal such a cut gave of ACTION's commitment to its older volunteer programs.

The hearing focused the attention of Committee members on the need for more nearly adequate appropriations in several aging programs in 1979, and helped formulate Committee recommendations on authorization levels for the Older Americans Act.

Consequences of Changing U.S. Population: Demographics of Aging

On May 24, 1978 joint hearings were held by the House Select Committee on Aging and the Select Committee on Population to determine the status of the elderly population today and to evaluate the projections of the future elderly population and their future needs.

Dr. Donald Cowgill, Professor of Sociology at the University of Missouri, testified that the most salient feature of the elderly population is its heterogeneity—the only thing the older generation has in common is longevity. Therefore, one cannot assume that the 65-year-olds of today are identical to their counterparts twenty years ago. Nor do the 85-year-olds of today give more than a rough idea of the future needs of today's 65-year-olds. The fact that the health status of the elderly deteriorates exponentially with advancing age, though at a slower rate for women than for men, was explained to the Committees by Ms. Mary Grace Kovar, Analytical Coordination Branch Chief at the National Center for Health Statistics. Mr. Jacob Siegel, Senior Statistician for the Census Bureau, noted that between now and the end of the century the population 65 and over is expected to grow at only about half the rate of the past quarter century, but this growth will still be considerable. During this period this age group will increase by nearly 40 percent, from 23 million in 1976 to 32 million in 2000. The age group is expected approximately to double between 1976 and 2020, when we should have about 45 million elderly persons representing 15½ percent of the total population, as compared with 10.7 percent in 1976.

Tamara Hareven, Professor of History at Clark University, noted that family life is much more individualistic than it has been in time past. High population mobility separates the elderly from their kin more than it has in the past/ and, more importantly it will be difficult for the very old to rely on their own children for support, because the children will be old themselves. People in the 1970's and 1980's will have children in their fifties or early sixties. So, in a sense we will end up, as we move on in time, with a situation where aging children will have to support very old parents.

Dr. Beth Soldo, Senior Research Associate at the Center for Population Research with Georgetown University, testified that older persons prefer to live independently. In good health, she stated, living independently, even alone, is the arrangement consistently preferred to that of living with relatives. Most older persons, particularly women, advocate maintaining their own homes or apartments while residing near to an adult child and sustaining close contact with kin. Witnesses told the Committees that public policy has contributed to these choices by encouraging suburbanization, as well as by construction of special housing projects for the elderly.

Witnesses generally agreed that over time, the income, skill levels, and educational attainment of the elderly population have risen, as indeed have those of all Americans. At any point in time, however, the elderly have lower socioeconomic status than younger adults, because the status and wealth of the elderly were built up in an earlier period.

In sum, testimony revealed that the elderly population is changing and will continue to do so for some time. Not only is it growing in size, but also the older and more dependent segments of the population are growing most rapidly. Other social changes have accentuated the need to reevaluate the adequacy of services for the elderly, both today and in the future.

The Select Committee on Aging is in agreement with the Select Committee on Population which concluded that policy must take account of both the heterogeneity and the complexity of the needs of the elderly. They are heterogeneous with respect to age (sometimes more than one generation in a family is elderly) and other characteristics. Their needs are complex; for example, living arrangements, health status, marital status, and income form a nexus in which policy intervention, if fragmented, can have only limited success. Finally, policy makers must be aware of the underlying demographics of the elderly population—its longevity, age structure, sex composition, marital status, family relationships, and geographical distribution—and seek more information on these topics to ensure that policies are appropriate, timely, and effective.

Poverty Among America's Aged

Hearing, August 9, 1978

This hearing marked the first comprehensive look at elderly poverty by the Congress. As Chairman Pepper noted in his opening statement, "The incidence of poverty among the elderly is a national disgrace". Data presented at the hearing pointed out that although the aged constitute little more than one-tenth of the population, they account for 29 percent of all persons in America receiving an income below $3,200 a year, currently, the median income for all families.

Yet, as staggering as these figures are, witnesses pointed out that they fall far short of adequately documenting the reality of poverty among the aged in the United States. All poverty rate statistics are based on the poverty line utilized by the Bureau of the Census. According to the Bureau, the "Poverty Level" for an individual 65 years or older was $2,900 in 1977. Yet that figure is an extremely unrealistic estimate of what it costs an elderly person to live in the real world.

The Committee's first witness was R. Sargent Shriver, Director of the War on Poverty Programs under President Lyndon B. Johnson. Shriver asked, "How can we in good conscience speak of human rights violations in other countries when one out of every four Americans spends the latter years of his or her life in circumstances of financial desperation? How can we expect to be credible in our criticism when the income of our aged is only half of what the young and middle aged get and when the oldest 10 percent of our population accounts for nearly 30 percent of the poor people in this country?" He concluded that "the Committee would be well advised to demand a new war on poverty, the poverty which afflicts the elderly as part of our effort to shape a human rights policy for all our own citizens here at home.

The Committee's first witness was R. Sargent Shriver, Director of President Emeritus of the Southern Christian Leadership Conference. Rev. Abernathy criticized existing federal programs for the aged: "Today, all over this land of ours, we see our people living in forced poverty. The inequities in our system of medicare, social security, and supplemental security income are forcing people into poverty, most often after years of productive efforts for the well-being Nation and society."

Finally, testimony was presented by representatives of the George Washington University Community Legal Clinic concerning the difficulties in dealing with the complexities of various government programs. They were accompanied by a panel of elderly citizens who told the Committee their own experiences living on low fixed incomes.

This hearing was the first of a series of hearings on poverty. At the first follow-up hearing in Cincinnati, "The Economic Plight of the Elderly," additional testimony was presented by local aging officials and senior citizens.

Is Organized Crime Involved in Medicare and Medicaid?

On October 4, the Committee held hearings on the above question with state, local and national law enforcement officials. Attorney General Griffin Bell appeared entering in the record his earlier letter to Chairman Pepper which said that "9 of the 14 Federal Organized Crime Strike Forces had prosecutions or active investigations on organized crime in the health care field" and that 15 of the 95 U.S. Attorneys had active investigations or prosecutions underway.

Chairman Pepper released the results of his poll of State law enforcement officers. Officials from 31 states responded that they had evidence that organized crime was muscling into Medicare and Medicaid. Virtually every law enforcement officer responded that organized crime's influence was growing. The state officials identified the ownership and operation of nursing homes as the most prominent area for organized crime involvement. The second most notorious area was the ownership and/or operation of pharmacies, said the law enforcement officials.

Law enforcement officials from New York, California, Michigan, Illinois, and Florida testified in generic terms about this problem and its increasing importance in their states. They suggested a stronger Federal effort was necessary to deal with the threat.

At the hearing, Congressman Biaggi raised questions concerning the definition of organized crime.

The Sale of Health Insurance to the Elderly

On November 28, 1978, the Committee conducted hearings on abuses in the sale of health insurance to the elderly and released a staff report on this subject. The hearings capped a six-month investigation conducted in nine states and the District of Columbia.

The investigation revealed that the growing gaps in Medicare's coverage are causing senior citizens to buy more and more insurance in an effort to insulate themselves against the ever escalating costs of health care. Some unscrupulous insurance companies were found to prey upon the fears of the elderly. Agents from these companies have sold the elderly 2.3.4 and in one case as many as 71 insurance policies. These duplicative insurance policies are of little worth to the elderly since most of them contain a clause which says that in case of duplication only one of them will pay.

The Committee staff polled every State insurance commissioner, all trade associations and 250 insurance companies in preparation for the hearing. Senior citizen volunteers were also enlisted to test whether salesmen would routinely try to sell them unneeded policies. These seniors who already had adequate health insurance coverage in addition to Medicare invited 50 agents from different companies to advise them about their insurance needs. In 42 of the 50 cases the salesmen tried to sell additional and duplicative insurance.

The staff concluded that out of the $4 billion that is yearly spent by the elderly for supplemental health insurance policies, almost $1 billion being burned up unnecessarily in excessive commissions or profits. e Committee staff found few problems with Blue Cross-Blue Shield most major insurance companies. Problems were exhibited by the aller, comparatively anonymous insurance companies who specialize sales to the elderly.

The hearings featured testimony from former insurance salesmen, presentatives of senior citizen organizations, family members, state surance commissioners, and Commissioner Elizabeth Dole of the deral Trade Commission.

Chairman Pepper said several reforms are being considered includ- g possible voluntary certification of insurance companies selling ior citizens insurance or working with the states to adopt minimum ndards with respect to Medicare supplementary policies.

ll committee field hearings

One of the criticisms of government is that ideas conceived in shington bring about results at times that are unintentional and ricious. To prevent enactment of laws that produce unintended sequences. Congress holds hearings, and receives testimony from se most knowledgeable about the consequences of proposed legisla- n. Regardless of how carefully the legislative process is orchestrated, effect of some provisions of an enactment may not be fully antici- ed, or may be subverted. To guard against the possibility that rdships might be perpetuated that should be relieved, and to develop concepts for legislative action, the Committee on Aging holds rings in all parts of the country to find out whether programs and s are working out the way Congress intended. Subsequent para- phs of this section of the report describe selected field hearings, and imarize the salient features of those hearings. In most instances the imary is prepared by the staff employee who had primary respon- lity for assisting Members with the organization of the hearing.

idance and Counseling for the Elderly

Hearing, March 7, 1977, Dallas, Tex.

ongressman Edward Beard of Rhode Island and Congressman liam Cohen of Maine represented the Committee at this hearing. gressman Claude Pepper, Chairman of the Select Committee on ng was unavoidably detained in Washington. Mr. Beard chaired is absence.

he hearing was held to hear testimony regarding H.R. 1118, intro- ed by Members of Congress to assist the elderly by offering guidance counseling relative to retirement with special emphasis on income, sing, nutrition, and health maintenance. Testimony came from Dr. es L. MacKay, Consultant in Gerontology, Administration on ng, San Antonio, Texas; Clemmie Solomon, Director of Counsel- Bowie State College, Bowie, Maryland; Dr. Daniel Sinick, Pro- or of Education, George Washington, Washington, D.C.; Dr. res Davis, Executive Director, The National Center for the Black d, Washington, D.C.; Dr. John A. Barr, Professor of counselor ation, School of Education, San Jose State University, San Jose, fornia and Mr. Charles Odell, Retired Commissioner on Aging, necticut. Staff members of the Committee present were Robert ner, staff director and Marie H. Cunningham, executive secretary.

Retirement-Age Policies in Massachusetts

Hearing, Brookline and Waltham, Mass.

On May 6, 1977, as a part of the continuing discussion of legislation advanced by the Committee to change the mandatory retirement laws, the Committee held the first field hearing on this subject in Brookline and Waltham, Massachusetts.

The Committee heard from state elected officials, representatives of unions and senior citizen organizations as well as individuals adversely affected by forced retirement, including a prominent Boston newscaster.

Of particular use to the Committee was the unanimous testimony from state officials that elimination of mandatory retirement in federal employment would serve as catalyst for similar action on the state and local level.

Urban and Rural Housing for the Elderly

Hearing, Jamestown, N.Y.

A field hearing of the Select Committee on Aging was held in Jamestown, New York, on August 17, 1977, as part of the Committee's ongoing examination of the continuum living arrangements that exist for the elderly. The purpose of this particular hearing was to obtain testimony about the differences between the housing needs of senior citizens who live in urban communities and those who live in rural areas.

Although rural communities contain only about one-third of the nation's population, they have approximately two-thirds of the country's substandard housing. The Committee was concerned that the problems encountered by many rural elderly in securing decent, affordable housing are often compounded by the inherent inaccessibility to adequate health and social services from outlying rural locations. In arranging this hearing, the Committee recognized that a more vigorous examination of the unique housing needs of the rural elderly is a necessary component in achieving solutions to the overall housing problems of our nation's elderly.

The Committee heard testimony from representatives of State and local governments, public and private agencies and from the President of the American Association of Retired Persons, the nation's largest organization advocating the interests of Older Americans. The witnesses provided substantive information about environmental, financial and social needs that must be viewed as integral parts of the overall housing picture for senior citizens.

The main theme throughout the hearing was the need for congregate housing including such services as meals, personal assistance, housekeeping assistance and transportation. All of the witnesses expressed frustrations about the red tape involved in securing needed services for senior citizen housing through a miscellaneous array of mismatched and contradictory federal and State programs. It was repeatedly noted that the difficulty in providing needed services has a more severe impact in rural areas where the elderly are often more isolated and unable to meet their needs through alternative community resources.

The testimony offered at this hearing provided useful evidence as the Select Committee on Aging undertook a strong role in securing the inclusion of a new congregate services program within the Housing and

Community Development Amendments of 1978. This new program was authorized in the final bill and will be implemented in 1979 with a five million dollar appropriation.

Welfare Reform and the Elderly Poor

Hearing, Miami, Fla., November 21, 1977

In September, 1977, President Carter proposed an overhaul of the existing welfare system. The Aging Committee held two days of hearings in conjunction with the Welfare Subcommittee to evaluate the strengths and weaknesses of the new proposal as it would impact on the elderly. Among the issues raised by the senior citizen advocates, elderly poor persons, and Federal, State, and local aging and welfare officials that testified were the following:

1. THE LACK OF AVAILABILITY OF JOBS AND TRAINING OPPORTUNITIES PROVIDED BY THE PROGRAM TO OLDER PERSONS

Preference for the 1.4 million public service jobs would go to those persons in the tier required to work. Thus, persons not required to work (such as the elderly) may not be able to get these jobs. Past experience under the CETA program (Comprehensive Employment Training Act) suggests a disturbing precedent: Only 3 percent of CETA jobs went to the 20 percent of the population that is over 55 years of age.

2. THE LACK OF AUTOMATIC COST-OF-LIVING INCREASES FOR FUTURE BENEFITS

The President's proposal includes no statutory automatic increase in benefits to compensate for the impact of inflation. In contrast, Congress decided in 1974 to establish cost-of-living increases in Supplemental Security Income benefits (which this program would replace) based on growth in the Consumer Price Index.

3. THE INADEQUACY OF THE PROPOSED SINGLE INCOME SUPPORT OF, 2,500 FOR ELDERLY INDIVIDUALS 3,750 FOR COUPLES

The Administration has stated that this is $470 below the poverty level for individuals and $180 for couples. Nelson Cruikshank, the President's Counselor on Aging has estimated that the new figure would be only $100 a year more than presently received. Other estimates have questioned if there is even this tiny increase because of complex changes in the eligibility formulas which might actually reduce benefits in some cases in States that do not supplement benefits.

4. REDUCTION OF BENEFITS FOR PERSONS LIVING WITH RELATIVES

The President's proposal would reduce benefits by $33.33 per month for persons who chose to live with their relatives even if they were supporting themselves and paying their own rent. This penalizes persons who wish to live with their own relatives.

5. INCOME EXCLUSIONS OR "DISREGARD"

> Under the present SSI program as an incentive for work, the first $65.00 a month a person earns is disregarded or not counted as income. Thus, benefits are reduced by 50 cents for each dollar earned only for the amount over $65.00 a month. Under the Carter proposal there would be no such disregard for those not required to work and therefore persons would receive lower benefits than under SSI.

6. THE 200,000 HOME HEALTH JOBS

> The proposed legislation leaves a number of important questions unanswered: What limitations would there be (such as the present 100 visit limit and prior hospitalization requirement)? What guarantee is there, in fact, that 200,000 such jobs will be created at all (there is no statutory requirement but merely a Department of Labor statement that based on past experience, this type of work can be expected to develop)?
>
> In addition, studies have shown that one of the most effective approaches in providing home health care is for older workers to aid other older persons (as is presently done in some Action programs). Thus, some have suggested targeting a portion of these 200,000 jobs for the elderly themselves.

7. THE LACK OF CONSIDERATION FOR THE ROLE OF MEDICAID

> While almost all persons receiving benefits from the present SSI program are eligible for Medicaid, all persons receiving benefits under the new plan would not necessarily receive Medicaid coverage. The Administration proposal ignores this problem.

In several cases, the testimony presented about these and other deficiencies in the proposal formed the basis for amendments adopted by the Welfare Subcommittee. During mark-up, amendments were included to require automatic increases in future benefits to compensate for the impact of inflation, bar reductions in benefits for persons who live with their relatives, and retain incentives for older people to work that exist in the current Supplemental Security Income. While the revised welfare legislation was not enacted, it may form the basis for new legislation to be considered in the 96th Congress.

Health Care Problems of the Elderly in New Jersey

Hearing, February 13, 1978, Union, N.J.

The hearing was held to explore the availability of long-term care to senior citizens, particularly in the Union County area of northeastern New Jersey, near Newark, and to determine how federal programs and regulations might be modified to make health care more readily available to senior citizens.

The hearing was chaired by Reps. Mario Biaggi and Matthew Rinaldo, and was also attended by Reps. Helen Meyner and William Cohen. Chairman Pepper submitted a statement for the record.

Witnesses included the Regional Director for the Health Care Financing Administration, the Director of Medicaid for New Jersey, the county Director of the Division on Aging, representatives of state and local senior citizens organizations, and officials from several local hospitals and nursing homes. Testimony from the witnesses indicated a severe shortage of nursing home beds for the elderly in Union County, primarily because of the rapid increase in the elderly population over the past ten years. Of particular concern, however, was the shortage of beds for patients with no resources other than Medicaid coverage to pay for nursing home care. Because of the ow rate of reimbursement paid by the State of New Jersey, nursing homes have been reluctant to provide beds for Medicaid patients.

A related problem concerned the availability of home health care nder the Medicare program. Testimony by the witnesses showed hat part of the nursing home bed shortage results from the unavail- bility of care for elderly people in the community, and the lack of esources to pay for such care. It was shown that the federal Medicare rogram favors more costly institutional care over home health care y setting the income eligibility limit for home health care at $200 er month for senior citizens in New Jersey, as compared to $520 er month for nursing home care. Senior citizens whose incomes are oo low to pay for home health care, but are too high to qualify for ledicare coverage of home care, are therefore forced to seek long- erm care in nursing homes.

Following the hearing, Reps. Rinaldo and Meyner introduced I.R. 12277, which would have equalized the income eligibility limits or nursing home and home health care under the Medicare program.

lder Americans Program Oversight

Hearing in Chester, Pa.

The March 3, 1978, hearing was more expansive than the title ggests. Testimony was received not only on Older Americans pro- rams, but also on nursing homes, home health care, transportation, nior centers, legal services, and ACTION's Foster Grandparents rogram. To set the tone of the hearing, the Committee indicated at testimony would be developed from two perspectives, the "eagle- yed" view and the "ant eyed" view. Congressmen at the hearing Michael T. Blouin, David W. Evans, and Robert W. Edgar) alked about drawing upon the services of seniors to reach the eglected and hidden elderly who can only be reached by knocking on oors. Following is a capsulization of the hearing:

Home Health.—In Pennsylvania, Medicaid reimbursement of nurs- g homes (required by Federal law to be "cost related") is limited a ceiling on reimbursement. This ceiling is based on dated costs at lag about 3 years behind current costs of nursing home operations.

Inadequate Medicaid reimbursement has led to a shortage of beds r Medicaid patients in Delaware County. Because of this shortage beds, home health services may be not only important but an essen- l alternative to nursing home care. One of the leading providers of me health services in Delaware County (Home Health Services omemaker Services Of Delaware County, Inc.) is unable to keep up ith the effects of inflation. At the same time demand for its services increasing. Its major sources of financial support (United Way and the Area Agency On Aging) have been unable to increase their commitment. Patient contributions at an average of $1.25 per hour have remained static.

At an hourly rate of $6.25 for home health homemaker services, it is difficult to pay a wage that is sufficiently attractive to recruit home health aides. Yet there is no question of the value of the service. When home health services were introduced in a local public housing project (Twin Towers), health of the residents greatly improved. There have been no pneumonia deaths in Twin Towers in over 3 years. According to testimony of the witnesses, broadening Medicare coverage for home health services (as recommended by the Aging Committee) would relieve much of the paralysis on home health service providers caused by overly tight budgets.

Transportation.—In Delaware County an estimated 80 percent of the 60,000 persons age 65 and over reside within 4 blocks of mass transit. About 10,000 or 17 percent have mobility limitations, and 28,000 indicate that they have no readily available form of transportation. Refitting and redesigning buses to make getting on and off easier for those with limitations or dysfunctions would not make transportation much more readily available, because many have no way to get down steps at home, or over to the sidewalk. The suggested remedies are more paratransit (individualized, short haul, flexible routes, demand-responsive, door through door services) to the home, more paratransit links to mass transit, better utilization of paratransit systems through central coordination, more intensive use of taxicabs, elimination of statutory barriers to reduction of fares for the elderly, authorizing legislation to permit 16(b)(2) Urban Mass Transportation Authority grants to governmental authorities as well as private nonprofit agencies.

Senior Centers and Nutrition.—In locating senior centers and providing services, conflict exists between Area Agency On Aging directive to give priority to "low income and minority" elderly, and Pennsylvania Office On Aging directive to give priority to "frail and isolated" elderly. Because there are not enough resources to go around, it is necessary to prioritize but difficult to determine where the priorities lie. Setting priorities is intended to identify the most needy. Even though it is difficult to determine who are the most needy, it is generally agreed that more consideration should be given to tailoring services to take care of the most needy.

If, as it often said, many attend the meals program more for socialization than for nutrition, then perhaps some alternative form of socialization should be developed for those who attend primarily for socialization in order that meals could be served to those who would like to attend primarily for nutrition.

Rules restricting home delivered meals to those age 60 and over should be liberalized. Blind and disabled members of the household under age 60 should be served as well as elderly members. Much of the morale building benefit of the home delivered meal is blunted by the elderly member's disappointment that other household members with some dysfunction cannot also have a meal. The proposed amendment would also avoid embarassing those who deliver the meals.

Older Americans programs (oversight).—More services can be delivered at less administrative cost by combining Older Americans programs (Titles III, V, and VII), and other Federally funded programs (primarily Title XX), for administration through the Area Agency On Aging rather than through a multiplicity of administrative units. Only 43 percent of Delaware County Services on Aging budget comes from Older American allocations; the largest single source of funding is Title XX which contributes 33 percent. In 1978 contributions made by seniors of $150,000 were a significant part of the Area Agency On Aging's operational budget. Volunteerism is very important in the operation of the Area Agency on Aging programs. The nutrition program which provided 170,000 meals in 1977 is heavily dependent on volunteerism. Recommendations developed at hearing: Unified administration by Area Agencies on Aging of Older Americans programs, and where appropriate other programs benefitting older people; a larger commitment of Federal funds in order to expand services to the elderly; and encouragement of volunteerism.

Legal services.—With a relatively small budget of $48,000, a unit within the Delaware County Legal Assistance Office serves 80 to 100 elderly clients a month primarily by calling upon the services of 2 staff attorneys (one salaried and one VISTA volunteer) and 27 paralegals (one salaried and 26 volunteers). Expenses of the unit are paid through a cash contribution of the County Office of Services For The Aging, and through contribution of office supplies, space, and services by the Legal Services Corporation. Paralegals are trained through course materials, on-the-job training, and through lectures averaging 5 to 6 hours per month. Some of the course materials are the product of the Delaware County Legal Assistance Office, and some of the training materials are supplied by the National Paralegal Institute. In the 25 months that the legal services for the elderly program has been operational, intensity of use has increased to the point that the elderly now constitute 10 percent of the case load of the Delaware County Legal Assistance Office as compared with 3 percent at the outset of the project.

Volunteerism.—The stipend for Foster Grandparents has been static at $1.60 per hour since 1968 although in the past 10 years the cost of living has gone up 83 percent. Recommendation is to increase the stipend to offset the loss of purchasing power of the dollar. (Subsequent o the hearing the stipend was increased by legislative enactment to $2.00 per hour conditioned on the proviso that Congress must appropriate enough to pay the increase without cutting down on the number of Foster Grandparents.)

Needs of the Hispanic Elderly

Hearings, March 28, 1978, Miami, Fla.

Testimony presented at this hearing demonstrated that Hispanic elderly persons may have special needs for housing, employment, and health care. For example, as Aida T. Levitan, Ph. D., Director of Latin Affairs for Dade County pointed out, "The Cuban elderly have suffered he trauma of leaving their homeland and facing a society which is otally foreign to them. Loneliness, alienation, and economic hardships often plague the lives of these people. For example, only 8.1 percent of he Spanish-speaking elderly own their own homes, as compared to 21.3 percent of the total country elderly."

As Chairman Pepper noted, "previous hearings of our Aging Committee on various aspects of the plight of the elderly have shown that being old in America is a strike against a person. If you are old and a minority group member, you may start out with two strikes."

The transcript of this hearing was printed in both English and Spanish—the first full congressional hearing ever printed in two languages.

The Needs of the Minority Elderly

Hearings, March 29, 1978, Miami, Fla.

This hearing held to hear from City of Miami regarding needs of minority elderly. The Committee met at the Joseph Caleb Community Center, Miami, Florida. Members of the Committee on Aging present were Congressman Claude Pepper, Chairman and presiding and Congresswoman Mary Rose Oakar of Ohio.

The hearing was held to hear from the citizens of Miami, the needs of the minority elderly, in particular. The Committee heard 18 witnesses including Ms. Mattie Simpson, Vice Chairman, James E. Scott Community Association Senior Advisory Board; Mr. Neal Adams, Dade County Commissioner; Mr. Mel Adams, Dade County HUD; Miss Helen Sawyer, Assistant Director, Human Resources, Dade County HUD and others. There were many areas of concern brought before the Committee. Those that were most critical included need for improved health care, housing, income assistance, transportation, protection against crime and employment. The Committee attempted to bring the suppliers of services and those in need of the services together, so that better communication could be established and the more severe needs of the elderly met in a more timely and conscientious manner.

Committee staff represented were Robert Weiner, staff director, Nancy Hobbs, minority staff director, Subcommittee on Retirement, Income and Employment; Yosef Riemer, professional staff member and Marie H. Cunningham, executive secretary.

Impact of Fiscal Year 1979 Budget Request On New Jersey Aging Programs

Hearing, April 1, 1978, Camden, N.J.

Testimony presented contributed to the Committee's investigation of inadequacies in the Administration's fiscal year 1979 budget recommendations for aging programs.

Witnesses present included representatives from New Jersey State and Area Offices on Aging, Title VII nutrition programs, Retired Senior Volunteer Programs (R.S.V.P.), and senior citizen housing programs.

All of the witnesses described the anticipated reductions of services their programs would provide to elderly citizens as a result of the Administration's proposed "status quo" or reduced budget recommendations.

Of particular interest was testimony describing the inadequate 1978 Section 8 housing subsidy allocation to the New Jersey Housing Finance Agency as a result of statutory "set-aside" formulas, and proposed budget cut effects on local R.S.V.P. programs.

Avocational and Employment Needs of Retired Persons

Hearing, February 11, 1978, Hackettstown, N.J.

The hearing was designed to explore the needs of senior citizens in suburban and rural New Jersey with regard to volunteer opportunities, educational retraining, and employment. A special panel of local officials testified as to the particular needs of the rural elderly. Each of the four main topics was addressed by two panels—the first consisting of senior citizen participants in various programs, and the second of officials and administrators of those programs.

Witnesses discussing the need for volunteer opportunities and problems with senior volunteerism emphasized the difficulties of structuring and financing these programs. RSVP officials stressed the problems of insuring senior volunteers against injury, and structuring projects that are not only needed by the community, but that can be effectively accomplished by senior volunteers.

Testimony relating to educational retraining centered around the needs of seniors to continue to have the opportunity to engage in vocational and academic education. Witnesses from community colleges and local officials discussed the availability of facilities and the type of curriculum that meets these educational interests.

Employment opportunities for senior citizens were explored by representatives of Green Thumb, a senior employment resource specialist, and the Director of a local Manpower Office. Members' questions placed emphasis on the shortcomings of CETA in placing and training senior citizens and the problems of private sector employment opportunities.

The final panels examined the special needs of the rural elderly. Concerns relating to the inability of rural counties to make hard cash matches for federal Title XX funds, transportation, and nutrition were addressed. This panel also provided a follow-up to earlier Committee field hearings on loneliness and social alienation.

In Washington State

Hearings in Spokane and Seattle, Wash.

Hearings on Alternatives to Institutionalization were held June 16th in Spokane and Seattle, Washington. Rep Don Bonker, Edward Beard, and Michael Blouin, Aging Committee members, jointed Rep. Tom Foley in these public hearings which addressed a number of unresolved questions of Federal policy in providing such services as home health care, homemaker and chore services, and adult day care for the elderly, in both rural and urban settings.

Witnesses at the hearings included public officials, health professionals, and elderly persons. The theme through much of the testimony was that too often elderly persons are forced into costly institutions, such as nursing homes and hospitals, due to lack of adequate support services in the home. The testimony supported the findings of last year's GAO report, "Home Health—the Need for a National Policy to Better Provide for the Elderly," in comparing the cost of home health care versus institutionalization. According to the witnesses, many older persons could, and would prefer to, remain in their own homes and avoid institutionalization if proper health services were available. Such services should include the education and training of families and friends on how to provide health care at home, an expansion of home health care programs to serve more home bound elderly, and changes in Medicare regulations.

The testimony reflected many concerns that prompted Chairman Pepper and members of the Selected Committee on Aging to appear before the Ways and Means Subcommittee on Health on June 19th to urge a wide expansion of home health care benefits under Medicare.

Retirement-age Policies and Housing for the Elderly in Cleveland, Ohio

A wide range of issues of concern to the Select Committee on Aging were addressed in a three day series of hearings in Cleveland, Ohio. (August 8, 9, and 10, 1978)

First day of hearings (*Age Discrimination and Forced Retirement*).—The first day of hearings was concerned primarily with age discrimination in employment and proposed amendments to the Age Discrimination In Employment Act. Testimony was taken from a wide range of witnesses including people who had themselves experienced mandatory retirement, others who were still engaged in their particular profession long after they had passed the usual retirement age, and experts in the field of aging who testified about the effects of age discrimination in employment. The Select Committee on Aging also heard from union representatives concerning mandatory retirement, and the effect that proposed amendments might have on their retirement policies.

Second day of hearings (*The Homeowner and Home Health Care*).—The second day of hearings addressed the problems of elderly homeowners in suburban areas. Testimony was received from homeowners concerning problems they face in keeping up their homes, coping with the rising cost of living, and obtaining needed home health care. Representatives from the U.S. Government Accounting Office testified about their report on "The Well Being of the Elderly in Cleveland, Ohio", and explained the methodology and results of a year-long study of programs established to assist the elderly in the Cleveland area.

Third day of hearings (*Public Housing, Security, and Congregate Services*.—The third day of hearings focused on the unique problems of senior citizens living in public housing. Of particular interest was the testimony of representatives of tenants from the various public housing estates throughout the metropolitan area concerning the wide range of problems the elderly face when they move into public housing. Of particular concern to the elderly is the absence of adequate security in public housing, and restraints on freedom in moving about the estates caused by the lack of adequate security. Representatives from various social service agencies expressed grave concern about the paucity, or non-existence, of funding for congregate services for the elderly in public housing.

Summation.—A cross section of opinion was developed in this series of hearings, and a multiplicity of sources were tapped to find out more about elderly people's lifestyles in suburban and urban areas. Facts developed at the hearing provided useful background material for drafting proposed legislation including bills to authorize funding for congregate services in public housing, to assist with securing living accommodations against criminal activities, and to expand and improve health care delivery systems. Similarly, information developed on the impact of the Age Discrimination In Employment Act formed the basis for legislative proposals to amend the age discrimination in employment laws.

COMMITTEE BRIEFINGS

Briefings are yet another technique that the Committee on Aging uses to obtain facts that are needed to make recommendations for legislative or administrative action. When action must be taken quickly, or when the facts sought can be obtained most effectively in a less formal setting, the Committee uses the investigative technique of a briefing rather than a hearing. In the 95th Congress, the Committee on Aging held five briefings. One day briefings were held in each of the following locations: Miami, Florida; Allentown, Pennsylvania; San Francisco, California; Big Stone Gap, Virginia and Elmira, New York. At times the problems presented to the Committee at briefings have been tough and unyielding; nevertheless, concepts developed at briefings have frequently formed the basis for major legislative or administrative recommendations. The following material is incorporated to illustrate the substantive and procedural aspects of Committee briefings:

Closing of Post Street Convalescent Home San Francisco, Calif., June 22, 1978

In June 1978, the Aging Committee held a special emergency session a the Post Street Convalescent Home just 10 days before it was scheduled to close. Representative John Burton, who chaired the hearing noted that—

> closing this facility would be tragic so far as the people and the patients and their families are concerned. It would mean eviction from their homes for more than 120 elderly persons who live here and would like nothing better than to be able to remain here. It would cause the loss of hundreds of nursing home beds for medicaid patients at a time when we have a desperate shortage of such beds and it would represent the ultimate failure of our Nation to respond to the urgent needs of the elderly in our society.

The first panel of witnesses were residents of Post Street who told the Committee their feelings about being forced to leave their home. Jim McDonald simply asked "Why do we have to move?" Guy Bracco cried and said "I'm surprised this thing happened in this country." Hilda Weisenger said "All I can say is I don't want to move. I've been here 3½ years and I like it here and I do not want to go." Finally, Betty Hammer, daughter of a Post Street resident said, "It would cause my mother's death if she was transferred."

Following their statements, Mayor George Moscone testified concerning the history of the home and the reasons it was being closed by the state. "What we're witnessing is the inevitable tragic climax of two very conflicting policies of our State Department of Health. While the State's right hand has been holding down such costs as Medi-Cal reimbursement its left hand has been vigorously enforcing licensing regulations for medical facilities. The inevitable result of this Catch-22 situation was for the state to begin license revocation procedures at Post Street. The bottom line is very clear. The core of the problem is the inadequate rate that the State reimburses for the care of the indigent elderly. An efficiently operated private nursing home in San Francisco runs at a cost of between $35 and $45 per patient per day. Right now, the State of California reimburses skilled nursing facilities at a rate of slightly more than $27 per patient per day."

Mayor Moscone concluded:

> The tragic part of this story is that under the receivership, the Live Oak project (which was appointed by the court to operate Post Street until its closing) has turned the quality of care in this facility around exactly 180 degrees. It's ironic that while this facility is finally providing a decent level of care, the State is going through with the transfer of Post Street patients."

Many other witnesses testified concerning the abominable conditions that had existed prior to the Court appointed receivership and the vast improvement under the new management team. Pete Davidson, an exterminator, testified that the old operators had allowed the facility to become so infested that when he was initially hired by the new operators he found "mouse droppings all over the food facilities, the kitchen and the storeroom, on the shelving, on the floor, and contaminated food. At least 50 percent of the rooms on the second and third floor also contained dead roach carcasses, roach fecal pellets, and roach egg capsules in the drawers, underneath the drawers and in the closets." Daniel Donovan, a pharmacist, testified that the previous operators had offered him about $30,000 a month in business from Post Street if he would provide them with cash kickbacks. Dr. Edwin Houkooker told the Committee "Their (the patient's) hygiene had reached a point approximately two months ago that they were lucky if they got a bath maybe every two weeks. It was really that bad. In the last six weeks, literally something short of a miracle has been performed here." Even Post Street's cook, George "Crow" Talbert described the miraculous improvement. He told the Committee that under the old operators "we did not have the necessary things to make low sodium meals so people with heart conditions were getting more salt than is healthy in their diets and were consequently exposed to a heart attack. I myself had the knowledge that some of the meals I was cooking could actually contribute to somebody dying. Now finally we have a hospital where we can be proud to work and where you can go up on the floor and people are smiling and there's some hope, that maybe this will all be destroyed and people will be transferred from their loved ones and face an earlier death."

Finally, the Committee heard from the new operators of Post Street. Perhaps most moving was the testimony of Barry Barkan, Program Development Consultant for Post Street and Co-Director of the Live Oak Project. "I'm here on behalf of Live Oak to speak of our dream. The dream is not just mine nor does it belong solely to the team which works skillfully and passionately to create the regenerative community here at Post Street. The dream grows from our highest vision of ourselves as an American people. According to that dream no persons are to be moved around like furniture or warehoused because they are frail and weak, and their earning years are behind them, and that is just the bottom line of the vision. The dream is for a society in which elders are still growing and learning and celebrating life and are dynamically connected to those of us who are younger. Here at Post Street we've been striving against all odds to create a prototype regnerative community center. We came to Post Street because again and again we were challenged to demonstrate that our model is not only effective in the good homes but also that it would work in the significantly less desirable settings. We chose the most difficult situation we could find and already in the six short weeks we've been here at Post Street, we have seen good results. The stakes here are nothing less than the future of each of us. If we not draw the line on this kind of shameful situation, when will it be drawn? When we are old, do we want to be at the mercy of crooks and red tape?"

Ironically, even as the hearing was being conducted, patients were being moved out of Post Street and taken to other facilities. Despite extensive efforts to convince the State of California and federal agencies such as the Department of Housing and Urban Development to provide the additional funds needed to keep Post Street open, the facility closed in July.

White House Conference on Aging recommendations (committee review)

In the enabling Rule that made the Aging Committee possible (House Rule X, 6, g), there is a directive that the Committee on Aging must review any recommendations made by the White House Conference On Aging relating to programs or policies affecting older Americans. The Aging Committee in the 95th Congress, as in the 94th Congress (Committee Pub. 94–73, "Implementation of White House Conference on Aging Recommendations"), has made a review and assessment of the extent to which those recommendations have been carried out. Delegates to the 1971 Conference adopted 665 recommendations. In May of 1977 the Committee on Aging finished a line by line study of the 1971 report. The Chairman of the Aging Committee summarized the results of the Committee's review by saying: "Although much progress has been made as a result of these recommendations, we find a great many of them still unimplemented almost 6 years after the close of the conference". The Chairman noted that in the years that have intervened since the convening of the 1971 Conference, the elderly, more than people in other age classifications, have been subject to privation caused by the eroding effects of inflation on fixed incomes, escalating taxes and utility costs. For this reason the Chairman called for the convening of a White House Conference on Aging in 1981, and introduced H. J. Res. 452 to authorize the conference. (Congressional Record, page H 3967, May 3, 1977) Enabling authority for a White House Conference on Aging is treated as related legislation in the 1978 Amendments to the Older Americans Act, and the Act as signed into law authorizes such sums as may be necessary to fund the Conference for fiscal years 1979, 1980, and 1981. (P.L. 95–478) Among topics to be taken up at the 1981 White House Conference that have not been very fully explored in prior conferences are development of a national retirement policy, development of policies to overcome false stereotypes about aging, and formulation of a national policy on expediting biomedical and other research directed at determining the causes of the aging process.

Committee on Aging recommendations (95th Congress)

Many recommendations for legislative and programmatic action appear in hearings, special studies, and work papers of the Committee on Aging. These recommendations, unlike recommendations continued in Committee reports, more often than not reflect only the opinions of the authors. On the other hand recommendations contained in Committee reports require formal approval through collective action of the Committee members. Consequently recommendations in Committee reports are given greater persuasive weight because they reflect the careful, considered deliberations of those who are most knowledgeable about matters relating to aging and affecting the aged. For instance recommendations in the Committee's report "Mandatory Retirement: The Social and Human Cost of Enforced Idleness" express the concensus of the Aging Committee that forced retirement on account of age should be prohibited, and that the protection of the Age Discrimination in Employment Act should be extended to include those age 65 and over. Similarly the Committee's report "In Search of Security: A National Perspective on Elderly Crime Victimization" contains many recommendations on making streets and living accommodations safer for older people, including recommendations to institute programs to install security devices in living accommodations, improve methods of reporting and processing statistics on crime against the elderly, and establishing programs to indemnify elderly crime victims for their losses. Recommendations made in Committee reports are not the only way that the Committee acts to adopt recommendations. At times issues arise of such immediacy and importance that the Committee takes them up at business meetings and formulates recommendations to deal with the problems presented. During the 95th Congress, the Committee adopted at business meetings the following recommendations on issues affecting older people:

(1) Approved implementation of findings and conclusions in a General Accounting Office report that paralleled prior Aging Committee findings that home health care was not only more humane but also less expensive for all but the greatly impaired;

(2) approved a resolution opposing cuts proposed by the Carter administration in Federal programs benefiting the elderly, including opposition to a proposed $4.7 million reduction in the Retired Seniors Volunteer program;

(3) approved a resolution calling upon the President acting through his Reorganization Project staff within the Office of Management and Budget to propose programmatic and organizational changes in order to make eligibility criteria more uniform, applying for benefits more convenient, applications less complicated, and to reduce fragmentation through greater concentration of programs under a single roof;

(4) approved a resolution to expand Medicare coverage for treatment of mental illness by providing as much coverage for treatment of mental illness as is provided for treatment of physical

illness, to provide financial incentives to encourage states to adopt adequate standards in determining who should be discharged from mental hospitals, and to assure adequate living accomodations and supportive services for discharged mental patients;

(5) approved a resolution authorizing the Chairman to file an "amicus curiae" brief in support of the position of a party involuntarily retired by the State Department in a case pending before the U.S. Supreme Court styled Vance vs. Bradley in which the principal issue is whether the retirement of a foreign service officer at age 60 while other State Department personnel are not subject to retirement until a more advanced age constitutes denial of equal protection of the laws;

(6) adopted a resolution approving recommendations in the report of the U.S. Civil Rights Commission that are directed to making the Act more effective through administrative changes, and to strengthening substantive provisions of the Act through legislative amendments.

Committee on Aging agenda (96th Congress) [1]

At the time of submission of this report to the House, the Committee on Aging has not yet held its first organizational meetings at which an agenda will be adopted for investigations and studies in the 96th Congress. The Chairman, Claude Pepper, in conjunction with the staff of the Committee, has, however, drawn up a tentative agenda which is subject to additions, deletions, and modifications both prior to submission for the consideration of Committee members, and as a result of action taken after submission. As now constituted, the Chairman's tentative agenda includes the following:

(1) Alternative health delivery systems—(including home health care, health maintenance organizations, mental health care, and monitoring of legislative developments on National Health Insurance proposals)

(2) Program coordination—(including oversight of agencies such as Health, Education and Welfare, Administration on Aging, Housing and Urban Development, Department of Transportation, Action Agency, and Office of Management and Budget)

(3) Program fraud and abuse—(Medicare, Medicaid, and Administration on Aging)

(4) Age discrimination—(airline pilots and other groups: and new federal anti-discrimination regulations mandated by the Older Americans Act Amendments)

(5) White House Conference on Aging—(a continuous review of White House Conference on Aging recommendations as mandated by enabling rule that made the Aging Committee possible)

(6) Ad hoc hearings as necessary—(options include: Security for Aging Women, National Aeronautics and Space Administration Programs for People, Equal Credit for the Elderly, Senior Citizens in the Family, and Tax Relief for the Elderly)

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[1] The Committee conducts hearings, studies, and investigations partly through the full Committee and partly through its Subcommittees. Out of possible areas available for study and investigation, each of the Subcommittees has been assigned possible topics for investigation and development. The tentative agenda set out above relates only to hearings, investigations, and studies that may be undertaken by the full Committee. Each of the Subcommittees will adopt its own agenda.

In addition each of the Committee's four Subcommittees will be working on development of the following subject matter which has been assigned to them for investigation and study:

(1) Retirement income and employment;
(2) Health and long-term care;
(3) Housing and consumer interests; and
(4) Human services.

LEGISLATION IN THE 95TH CONGRESS

With the closing of each Congress, questions arise about what, if anything, was done that affected older people. Among the most significant legislative enactments of the 95th Congress are the Social Security Amendments of 1977 (P.L. 95–216), the Age Discrimination In Employment Act Amendments (P.L. 95–256), and reauthorization of the Older Americans programs (P.L. 95–478). All of these legislative actions, and many more, are treated in a summary of laws passed, and bills considered, in the 95th Congress, prepared by Congressional Research Service and reproduced as Appendix E.

MINORITY REPORT (FULL COMMITTEE)

The Committee on Aging has assigned personnel (minority staff directors, researchers, secretaries) to minority members to assist minority members with their participation in the development of projects of common interest to minority and majority members, and to place at the disposal of minority members the resources needed to conduct investigations and studies of special interest to the minority. In addition to contributing to the development of Aging Committee and Subcommittee hearings, investigations, and studies, the minority members concentrated some of their resources on projects of special interests to them, and with the assistance of the minority staff developed the following:

The Minority staff initiated the development of a catalog of federal programs that provide benefits for which the elderly are eligible.

The objective is a simplified program explanation including funding data and information about application procedures. An initial draft was completed in CY 1978. Refinement and publication are scheduled for CY 1979.

The Minority staff prepared an Indian brief which assisted Members and staff to understand present problems incurred by tribes in obtaining funding for programs for their elderly. This eventually enabled legislation for direct funding to Indians under the Older Americans Act.

SUBCOMMITTEE ACTIVITIES

Like many committees of the House, the Aging Committee conducts hearings, studies, and investigations partly through the full Committee and partly through its Subcommittees. Out of possible areas available for study and investigation, each of the Subcommittees has been assigned topics for investigation and development. On the other hand the full Committee may look into any matter that warrants use of the capability of the full Committee. In prior pages of this report there appear descriptions of hearings, projects, and activities undertaken in the 95th Congress by the full Committee and its staff. In some instances projects were undertaken jointly by the full Committee and one of its Subcommittees. Where the Committee and one of its Subcommittees have joined to carry out a project, or activity, appropriate notations have been made to indicate a joint undertaking. This section of the report, and its subsections, describe hearings, projects, and activities of the Committee's four Subcommittees.

ACTIVITIES OF SUBCOMMITTEE NO. 1 (RETIREMENT INCOME AND EMPLOYMENT)

Hon. FRED B. ROONEY, *Chairman*

During the 95th Congress, the Subcommittee on Retirement Income and Employment focused its attention on several major issues related to the economic impact of aging in our Country today. The Subcommittee considered a variety of subjects including national pension policies and private pension plans, alternatives to retirement, preparing for retirement, the impact of inflation on fixed incomes, public and private employment of the elderly, and the future of work and retirement as it relates to public policy. In addition, a joint effort between the Retirement Income and Employment Subcommittee and the full House Aging Committee resulted in the publication of a compendium of papers addressing the needs of the midlife woman.

HEARINGS AND BRIEFINGS

"Alternatives to Retirement"

May 10 and 11, June 15, July 14 and 25, 1977, Washington, D.C.

The purpose of these five days of hearings was to consider what alternatives to retirement currently exist and are being developed in both the public and private sectors. In anticipation of legislative changes in retirement age policies and the Age Discrimination in Employment Act of 1967 (ADEA), the Subcommittee attempted to explore such questions as: What should be done in the United States to provide jobs for older people who want to work? What part-time and flexible forms of employment should be made available for the older worker? How is ageism to be eliminated in employment? What social roles should be provided for those older individuals who wish to remain active during their retirement? What has been, and what should be the role of Government in providing alternatives to retirement? What new public policies should be established in the whole area of work, age, and retirement? Testimony was received from the Department of Labor, the Administration on Aging, the U.S. Civil Service Commission, the Social Security Administration, the National Institute on Aging, as well as various organizations and individuals involved in the field of employment and retirement of the elderly. The hearing was held on July 14 was specifically devoted to the particular employment problems encountered by older women as they attempted to enter or reenter the labor force.

"Economic Impact of Aging in America"

September 16, 1977, Bethlehem, Pa.

At this field hearing, the Subcommittee Members focused their attention on the critical financial crunch faced by millions of senior citizens as a result of today's inflationary economy. Twenty-six witnesses from Pennsylvania's Lehigh Valley testified, including representatives of various organizations providing services to the elderly, members of many local senior citizen centers, and other citizens concerned with the financial security of the elderly population. The hearing attempted to zero in on the specific income needs of the elderly and ways in which the Congress can take legislative action to assist senior citizens in reaching economic security and peace-of-mind.

"Oversight Hearings on Older Americans Act, Title IX"

October 5 and November 29, 1977, Washington, D.C.

In anticipation of the reauthorization of the Older Americans Act by Congress in May 1978, the Subcommittee held two days of hearings to review the current implementation of the Title IX Senior Community Service Employment Program under the Act. These hearings were held in conjunction with a series of oversight hearings on the Older Americans Act held by the House Select Committee on Aging for the purpose of formulating recommendations for the Act's reauthorization. Witnesses who presented testimony to the Subcommittee included representatives of the Department of Labor's Employment and Training Administration, the Administration on Aging's Office of State and Community Programs, the five national sponsoring organizations which at the time were under contract with the Department of Labor to operate community service employment programs under Title IX, the National Indian Council on Aging, the National Center of Black Aged, the National Association of Hispanic Elderly, and the National Association of State Units on Aging. As a result of the hearing record gathered by the Subcommittee on the Title IX program, seven specific legislative proposals were formulated and included in the Committee's recommendations for the reauthorization of the Older Americans Act.

"National Pension Policies: Private Pension Plans"

February 27, March 13, and April 6, 1978, Washington, D.C.

The purpose of this series of hearings was to review the current status of this Country's private pension system and its effect on the retirement income security of more than 30 million Americans. In preparation for these hearings Chairman Claude Pepper of the House Aging Committee and Chairman Fred B. Rooney of the Subcommittee requested the Congressional Research Service of the Library of Congress to prepare a report for the Committee on the major issues facing the private pension system. The report addressed such issues as pension plan terminations, the integration of private pension plans with social security, adequacy of private pension plan benefits, proposals to improve and expand pension coverage, vesting schedules, and portability. On the basis of this report, the Subcommittee devoted three days of hearings to the consideration of several key issues facing the private pension system. Testimony was received from the Departments of

Labor and Treasury, the Internal Revenue Service, the General Accounting Office, and the Pension Benefit Guaranty Corporation; in addition, several experts in the field of pension policy and the relative roles of private pension plans in the overall retirement income system presented their views and proposals to the Subcommittee. On the basis of the hearing record developed on this issue, the Subcommittee Chairman introduced a Concurrent Resolution expressing the support of the Congress for the President's Commission on Pension Policy and the Commission's objectives for a comprehensive review of retirement income, survivor benefit, and disability benefit programs in the United States. Twenty-one Members of the House Aging Committee cosponsored this Resolution. A letter was also sent to the President expressing support for the recently established Presidential Commission and urging the President to direct his Commission to focus its attention on several basic questions relating to the private pension system which evolved during the Subcommittee's hearing.

"Economic Problems of the Elderly in Mississippi"

February 20, 1978, Jackson, Miss.

This field hearing was held in order to assess the existing efforts to provide income maintenance, employment, and social service programs to Mississippi's estimated 353,000 older persons. Testimony was received from individuals involved in the delivery of services to older persons, as well as senior citizens themselves. The witnesses presented their views on the economic experience of the elderly in Mississippi as it relates to their employability, medical costs, transportation problems, housing and clothing costs, energy needs, and nutritional well-being.

"Public Policy and the Future of Work and Retirement"

May 3, 1978, Washington, D.C., joint hearing with the Subcommittee on Human Services

This hearing was held as part of a series of hearings on the future of aging conducted by the Subcommittee on Human Services. It was an effort to combine the interests and jurisdictions of the Retirement Income and Employment Subcommittee and the Human Services Subcommittee in the area of futures research and planning for the elderly. Specifically, the hearing was an attempt to identify emerging work and retirement trends and address such fundamental issues as: What will be the definition of "old age" in the year 2008? What will be the nature of work and retirement some 30 years from now? What is the labor force involvement of older persons likely to be in the future? What will be the future roles of the various components of our retirement income system—social security, public and private pensions, and individual savings? In preparation for this hearing, background papers were submitted to the Subcommittees by the Congressional Research Service of the Library of Congress on such topics as alternative work patterns, work-sharing, future growth of the labor force, and other topics related to the future of work and retirement. Witnesses who testified included experts in futures research, demographic trends, and public policy as it relates to emerging work and retirement patterns.

"Preparing for Retirement: Crisis or Challenge?"

June 19, 1978, Washington, D.C.

It became increasingly apparent to the Subcommittee that with all of the financial, social and psychological ramifications of retirement by choice, it has become absolutely essential to plan for that life stage which could total one-quarter or even one-third of an individual's lifetime. The Subcommittee, therefore, held a hearing on preparing for retirement in order to determine how the goal of adequate retirement preparation for every American can be best achieved. Witnesses who presented testimony to the Subcommittee included two retiring Members of Congress, the Commissioner on Aging, a Commissioner of the Civil Service Commission, and various academicians and state and local officials involved in retirement preparation research, programs and policy.

"Inflation and Fixed Incomes: Surviving Today on Yesterday's Dollar"

October 20, 1978, Allentown, Pa.

This briefing was held for the purpose of taking an in-depth look at the effects of rising inflation on individuals, especially senior citizens, attempting to survive on fixed incomes. Citizens who presented statements to the Subcommittee included several economic professors from colleges and universities throughout the Lehigh Valley, leaders of senior citizen organizations, and various individuals with direct knowledge of the plight of senior citizens.

SPECIAL PROJECTS

The Midlife Woman—Security and Fulfillment

The Retirement Income and Employment Subcommittee, in conjunction with the full House Aging Committee, conducted an in-depth review of public policy issues affecting midlife women. This study manifested itself in the form of a compendium of papers authored by 18 scholars who have conducted comprehensive research into the problems of the midlife woman in today's society. The compendium was a direct outgrowth of the Committee's desire to help women, who constitute a particularly vulnerable segment of the older population in terms of their economic, social and psychological dependence, better prepare themselves for security and fulfillment in their advanced years. The compendium addressed such issues as continuing education and training, developing new careers, reentry and midcareer crisis, helping women prepare for retirement, displaced homemakers, private pension needs, overcoming age discrimination, and volunteerism.

Status of Older Workers' Participation in Comprehensive Employment and Training Act Programs

The Chairman and the Ranking Minority Member of the Subcommittee requested the General Accounting Office to evaluate the participation of older workers in the Comprehensive Employment and Training Act Program (CETA). In addition, a request was made for a description of the barriers which impede the entry of more persons age 55 and over into employment in this program. The GAO's survey was performed at the Department of Labor's Kansas City Regional Office and two prime sponsors in Kansas. The survey focused on (1) the extent to which persons age 55 and over are identified as a significant segment to be served, (2) the methods used in attracting older workers to the program, (3) the types of activities provided, (4) the number of older workers served, (5) the extent to which older workers are being transitioned into unsubsidized employment, and (6) the identification of barriers impeding entry of participants into the work force. The findings of the GAO survey supported previous conclusions made about older worker participation in the CETA program, *i.e.*, older workers do not adequately participate in the program and are not adequately served by CETA.

SUBCOMMITTEE ON HEALTH AND LONG-TERM CARE

Hon. CLAUDE PEPPER, *Chairman*

Following is a capsulization of hearings held by the Subcommittee on Health and Long-Term Care in the 95th Congress:

March 24, 1977, Washington, D.C.: Housing the Elderly: Integration of Health and Social Services (in conjunction with Subcommittee on Housing and Consumer Interests)

Witnesses examined the need for health and social services in congregate housing for the elderly. Representatives of non-profit nursing homes proposed that funds be made available to support social services, which previously were available in non-profit homes but for which funding is inadequate. Medicare and Medicaid are medical-intensive programs which require that nursing homes offer medical model services.

April 22, 1977, Washington, D.C.: Recent Medicaid Cutbacks: Shocking Impact on the Elderly

Witnesses included Governor Joseph Garrahy of Rhode Island, representing the National Governors' Cinference, and directors of several state Medicaid programs. Some twenty states have been forced to cutback Medicaid services since 1975. The elderly are the first to suffer from strapped state budgets. The need for greater emphasis on non-institutional services such as home health care was a central point of discussion.

July 12, 1977, Washington, D.C.: Hypertension Among the Elderly

This was the first Congressional hearing devoted exclusively to the subject of high blood pressure among the elderly. Witnesses included Dr. Robert I. Levy, Director of National Heart, Lung, and Blood Institute, Mrs. Dorothy P. Rice, Director of the National Center for Health Statistics, and Dr. Edward D. Martin, Director of the Bureau of Community Health Services of the Health Services Administration.

Hypertension is an asymptomatic disease which affects some 35 million persons. Some 8 or 9 million elderly persons suffer from hypertension, which is directly related to heart attack, stroke, cardiovascular disease and kidney failure.

The hearing examined the adequacy of Federal efforts to detect hypertension and refer for treatment under the community grants of the Public Health Service. Witnesses generally agreed that Medicare and Medicaid reimbursement for screening and treatment would result in fewer cases of untreated hypertension and reduce the risk of serious disease.

October 8, 1977, Columbia, S.C.: Federal Legislation and the Elderly (Published by full Committee)

The hearing examined the needs of the elderly residents of South Carolina and was conducted in conjunction with the State Study Committee on Aging. Witnesses detailed the need for alternative health and social services, transportation, changes in Medicaid eligibility criteria.

October 22, 1977, Washington, D.C.: Medicare Gaps and Limitations

This hearing examined some of the more glaring inadequacies of the Medicare program: its failure to cover preventive health care and outpatient prescription drugs; the inadequacy of its coverage for treatment of mental illness; the need for expanded home health care; and the tremendous burden of out-of-pocket costs.

May 2, 1978, Washington, D.C.: HMOs and the Elderly

This was the first hearing conducted in Congress on the benefits to the elderly of enrollment in health maintenance organizations. Witnesses included Under Secretary of Health, Education and Welfare Hale Champion, and Nelson Cruikshank, Chairman of the Federal Council on the Aging and Counsellor to the President on Aging. Witnesses discussed the benefits of HMO membership, including the availability of preventive health care, the potential for coverage of outpatient prescription drugs, the potential for reduced out-of-pocket expenditures; the availability of a wide range of services, such as home health care, which are not adequately covered under Medicare; and the reduced paperwork which is required of HMO members.

May 17, 1978, Washington, D.C.: Future of Health Care and the Elderly (Geriatric Medicine) (Joint: Subcommittee on Human Services)

This hearing, which brought together representatives of various health professionals groups, discussed the inadequacy of training in geriatric medicine, and the attendant lack of sensitivity to the needs of elderly patients. There was general agreement on the need fo greater geriatric training, but there is disagreement as to whether geriatric medicine should be developed as a specialty or incorporate into the general medical curriculum. The hearing also included presentation on technological developments resulting from the spac program which could be brought to bear to improve care for th elderly.

OVERSIGHT ACTIVITIES

On February 5, 1977, Chairman Pepper wired Secretary Califan expressing deep concern over an outbreak of A-Victoria influenz and urging that the Department release the available vaccine, whic was a combination of A-Victoria and swine flu (A-New Jersey). Th Chairman urged that the elderly and high-risk citizens be allowe to have the inoculation if they wish.

The Secretary adopted this course and the vaccine was made avai able for the elderly and other vulnerable population groups.

* * * * * * *

On February 18, 1977, Chairman Pepper wrote to Secretary Joseph A. Califano, Jr., of the Department of Health, Education and Welfare, urging him to lend his support to legislation requiring sprinklers in Medicare and Medicaid-certified nursing homes. This action was precipitated by a fire at the Zion Nursing Home in Zion, Illinois, which claimed two lives and left 13 seriously injured.

Chairman Pepper called to the Secretary's attention an extensive investigation conducted by the Subcommittee during the 95th Congress and to a report by the General Accounting Office which concluded that there has never been a multiple death fire in a nursing home which was protected by sprinklers.

In July, 1978, the Secretary responded that Department officials had been instructed to draft regulations which would set forth several possible alternatives for requiring sprinkler systems in nursing homes.

Ranking minority member, Mr. Cohen, made further use of the Committee's findings on the safety value of sprinklered facilities. On September 14 when he met with members of the New England American Health Care Association on HEW's waiver policy with respect to the Life Safety Code. Later this material was presented to Dr. Helen Smits, Director of the Health Standards and Quality Bureau at the Department of Health, Education and Welfare followed by a letter, September 27. Dr. Smits responded October 23 that waivers should continue to be granted to fully-sprinklered facilities.

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On April 8, 1977, Chairman Pepper wrote to Secretary Califano, urging that he act to implement Sec. 249 of Public Law 92–603, which provides that the States reimbuse long-term care facilities under Medicaid on a reasonable cost-related basis.

On July 1, 1976, when this section was to have taken effect, then-Secretary David Mathews issued regulations delaying the effective date until January 1, 1978.

In a letter of September, 1976, Chairman Pepper sought the opinion of the Comptroller General of the United States on the constitutionality of this action and requested his opinion regarding what steps could be done to correct the situation. The Comptroller General determined that the Secretary's action was contrary to the statute.

In July, 1977, U.S. District Judge Frank Johnson ruled that the Department had acted outside the law. And later in the year, the Senate twice defeated a move to delay the implementation of the Section to January 1, 1979.

At this time, most states have approved cost-related reimbursement plans.

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On November 17, 1977, Chairman Pepper wrote to Secretary Califano, requesting that the Department rescind a directive that Medicare reimbursement could no longer be available for the prefilling of insulin syringes for blind diabetic patients by home health agency nurses.

In a letter of January 30, 1978, the Secretary responded that this directive would be amended to allow reimbursement for nurses' visits on alternate weeks to pre-fill a week's supply of syringes. Visits by home health aides to pre-fill the additional week's supply would be covered.

Following complaints that allowing home health aides to pre-fill the syringes was a violation of Nurse Practice Acts in several states, the Department decided to allow weekly visits by registered nurses for this purpose.

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Chairman Pepper testified against the Food and Drug Administration's proposed ban on saccharin, pointing out the need for many elderly persons and others with serious disease to limit sugar intake. He urged that the FDA reconsider the proposed ban.

Subsequent legislation introduced by Chairman Paul Rogers of the Subcommittee on Health and the Environment, Committee on Interstate and Foreign Commerce, was cosponsored by the Chairman and Mr. Cohen and proposed to delay the ban of saccharin for 18 months, until further study could be completed. This bill was enacted. Public Law 95–203.

* * * * * * *

Section 18 of Public Law 95–142 (H.R. 3), the Medicare-Medicaid Anti-Fraud and Abuse Amendments, which was authored by Congressman William Cohen, Ranking Minority Member of the Subcommittee, and cosponsored by Congressman Pepper, required that the Department report to Congress within one year of enactment on every aspect of home health care.

This report, which was due on October 25, 1978, was not received in due time. The Subcommittee has monitored the development and preparation of this report, attended meetings regarding its contents, and continually urged the Department to make this required report available in a timely fashion.

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April 26, 1978, the Chairman and Ranking Minority Member wrote Robert Benedict, Commissioner of the Administration on Aging, concerning the proposed merger of legal services and nursing home ombudsman development activities into a new Access Assistance program. Both legal services and nursing home ombudsman programs are serving their constituencies well. Access assistance for the institutionalized whose rights are jeopardized by their environment and illness may not be best developed in the same mold as access assistance to those in the community.

The Commissioner responded May 12 that priority would be placed on advocacy for older persons in nursing homes and that the existing ombudsman programs would be strengthened. However, he continued in his belief that a combined program of legal services and ombudsman activities was the best approach to improve the status and well-being of the most vulnerable elderly.

The Chairman and Ranking Minority Member remain concerned that this merger may seriously weaken both programs and be in direct opposition to legislation, Public Law 95–478, which clearly provides for the autonomy of these programs.

LEGISLATIVE ACTIVITIES

While the Select Committee on Aging does not have legislative jurisdiction, its members introduce a great deal of legislation dealing with matters which affect the well-being of the elderly. Moreover, its members work for legislation benefiting the elderly through their memberships on committees with legislative jurisdiction. The Subcommittee's legislative activities during the 95th Congress in this regard were substantial.

Medicare-Medicaid Anti-Fraud and Abuse Amendments (Public Law 95-142)

Chairman Pepper testified before a joint hearing of the Subcommittee on Health (Ways and Means) and Health and the Environment (Interstate and Foreign Commerce) in support of this legislation, which included two proposals he had put forward: (1) requiring the States to pursue third-party payors which might be responsible for claims otherwise payable by Medicaid; that is, Medicaid is to be the payor of last resort; and (2) requiring disclosure of ownership interest in nursing homes. The Committee bill required ownership interest of 5% or more in any health-provision entity.

Congressman Cohen, Ranking Minority Member, authored Sec. 18, which required that the Department of Health, Education, and Welfare submit to Congress a report concerning every aspect of home health care. The report, which was due on October 25, 1978, was not submitted in a timely fashion. Oversight activities continued.

Hospital cost-containment

Chairman Pepper testified before a joint hearing by the Subcommittees on Health (Ways and Means) and Health and the Environment (Interstate and Foreign Commerce) on cost-containment legislation.

Medicare Amendments of 1978

Subcommittee on Health, Committee on Ways and Means, developed legislation containing "low-cost, non-controversial" amendments to Title XVIII, Social Security Act.

Chairman Pepper, Congressman Cohen, and other Members of Select Committee on Aging, testified before hearing by the Health Subcommittee in support of incorporating provisions of H.R. 10738, which sought to make four changes in the Medicare home health benefit: removal of the prior hospitalization requirements under Part A; removal of the visit limits under both parts, removal of the homebound requirement and addition of homemaker and periodic chore services.

The Subcommittee bill, H.R. 13097, included two of these proposals: removal of the prior hospitalization requirement and deletion of the visit limits. Subcommittee and full Committee staff from the Select Committee on Aging monitored Health Subcommittee and full Ways and Means Committee mark-up. Chairman Pepper made a Record statement on the bill, which included a number of other changes he supported.

Congressman William Cohen, Ranking Minority Member of the Subcommittee, also testified on the need to provide for reciprocal agreements for medicare coverage outside the United States, the need to delete the present requirement that proprietary home health agencies be licensed under state law in order to participate in medicare, and the need to include the substance of H.R. 13822, the Patients' Bill of Rights, which was cosponsored by Chairman Pepper. Only the latter provision was not included in the reported bill.

Health Maintenance Organizations

On October 27, 1977, Chairman Pepper introduced the Health Maintenance Organization Amendments of 1977, cosponsored by Mr. Cohen, which sought to promote the growth of HMOS with a commensurate enrollment of Medicare and Medicaid beneficiaries.

On March 3, 1978, Chairman Pepper testified before Subcommittee on Health and Scientific Research of the Senate Committee on Human Resources (chaired by Senator Edward M. Kennedy) in support of HMO extension legislation. He urged that the Subcommittee support legislation to encourage Medicare and Medicaid enrollments. Chairman Pepper also submitted testimony for hearing record by Subcommittee on Health and the Environment of the Committee on Interstate and Foreign Commerce.

On May 2, the Subcommittee on Health and Long-Term Care conducted first hearing on the subject of HMOs and the Elderly. Under Secretary Hale Champion and Nelson Cruikshank, Counsellor to the President on Aging and Chairman of the Federal Council on Aging were among witnesses.

On October 11, 1978, Chairman Pepper met with Secretary Joseph Califano to discuss strategy for legislation to encourage Medicare enrollments. Secretary Califano pledged support of Department and President Carter for thrust of Pepper's efforts. Hearing planned by full Committee (in which Subcommittee will participate) early in 96th Congress.

Comprehensive Older Americans Act Amendments of 1978 (Public Law 95–478)

The Subcommittee worked cooperatively with the full Committee in developing recommendations with respect to extension of the Older Americans Act.

The Chairman and Ranking Minority Member developed two primary proposals, both of which were included in somewhat amended form in the bill which became law (Public Law 95–478).

The Chairman and Ranking Minority Member developed legislation to give statutory authority to the nursing home ombudsman program which has been operated under the Title III model projects program, at the discretion of the Commission on Aging. The bill recommended a substantial, distinct funding approach. The conferees adopted another approach: requiring the States to spend one percent of Part B social services funds, or $20,000, whichever is greater, on the ombudsman program. Under the terms of the legislation, the ombudsman is to receive, investigate and resolve complaints made by nursing home residents or their representatives; monitor the development and implementation of Federal, State, and local laws, regulations, and policies with respect to long-term care facilities; provide information to public agencies regarding the problems of older individuals residing in long-term care facilities; and provide for training volunteers and developing citizen organizations to participate in the ombudsman program, among other duties. The bill requires that procedures for appropriate access by the ombudsman to long-term care facilities and patients' records be established and that a statewide uniform reporting system be put in place.

The second provision which was included, in an amended form, in the Older Americans Act as adopted authorizes special projects in comprehensive long-term care. Under this provision, the Commissioner would be authorized to make grants to State units on aging, area agencies on aging, institutions of higher education, and other public agencies and private nonprofit organizations, associations, and groups to support the development of comprehensive, cordinated systems of community long-term care for older individuals.

These projects will have special emphasis upon (1) services designed to support alternatives to institutional living, such as adult day health, home health services, and geriatric health maintenance organizations and (2) the assessment of need, the development of a plan of care, and the referral of individual in the delivery of long-term care services, including non-institutional and institutional services, where appropriate.

Health Services Amendments (Public Law 95–626)

The Chairman and Ranking Minority Member testified in support of increased authorizations for the Public Health Service program of demonstration grants and training for public and private non-profit home health agencies. In addition, testimony was also given in support of the hypertension program. The authorizations for both these programs were increased.

REPORTS TO BE PUBLISHED

Home Health Resource Book

Gives information regarding current home health programs and their eligibility criteria and benefit structures. Lists persons responsible for home health in the states, with addresses and phone numbers. Details information regarding utilization, and so forth.

Report of Blue Ribbon Advisory Panel on the Treatment of High Blood Pressure in America

Chairman Pepper appointed this Blue Ribbon Panel to advise the Committee regarding legislative and administrative initiatives which should be taken to combat hypertension in America. Panel includes persons distinguished in the fields of medicine, labor, business, and philanthropy.

STAFF STUDIES

Education and Utilization of Medical Manpower in Care for the Elderly

Outlines needs for specialty training in geriatrics for physicians: need for better utilization of nurses and licensed practical nurses; and calls for better training and career opportunities for unskilled health personnel who work with the elderly.

Health Care for Older Veterans

Describes the Veterans Administration program of long-term care and recommends areas for improvement. Discusses several issues discussed in National Academy of Sciences Report and the VA response.

Observations on the Canadian Health Care Experience

Discusses and analyzes the Canadian health care system and examines its potential as a model for an American system of national health insurance.

SUBCOMMITTEE ON HOUSING AND CONSUMER INTERESTS

Hon. Edward R. Roybal, *Chairman*

The Subcommittee On Housing and Consumer Interests concentrates a major part of its resources on the resolution of legislative and programmatic issues of more than ordinary interest to older people that involve housing, property tax relief, residential security, criminal victimization, frauds and deceptions, legal services, energy problems, consumer credit and other consumer related issues. The above listing of topics falling within the Subcommittee's jurisdiction is not exhaustive, but it is representative of the kind of subject matter with which the Subcommittee deals on a day to day basis.

In each Congress, including the 95th Congress, the Subcommittee has also concentrated a substantial part of its resources on oversight of Federal agencies that administer programs that fall into the above mentioned categories. Among the agencies whose activities have been monitored by the Subcommittee are the following: Dept. of Housing and Urban Development, Farmers Home Administration, Law Enforcement Assistance Administration, Consumer Product Safety Commission, Federal Energy Administration, Veterans Administration, Community Services Administration, Federal Trade Commission, and the offices of Consumer Affairs, Community Planning and Development, and Policy Development and Research within the Department of Health, Education, and Welfare.

In addition to monitoring the administration of programs benefitting older people, the Subcommittee has through investigative and hearing processes developed concepts and formulated legislative recommendations on subjects falling within its jurisdiction. Among the more significant legislative activities and accomplishments of the Subcommittee are the following:

LEGISLATIVE ACTIVITIES

Housing continuum

The major area of legislative research of the Housing and Consumer Interests Subcommittee was and will continue to be the continuum of housing for the elderly from independent living arrangements to institutionalization. The purpose of this endeavor is to review and develop recommendations for various housing alternatives for those elderly persons no longer able to live independently, but not requiring the Supervision and comprehensive health care provided in a nursing home. The proposals which are currently being studied under the rubric of the housing continuum are aimed at permitting the frail elderly the maximum amount of independence while simultaneously ensuring the delivery of essential health and other supportive services necessary to maintain that independence. The ultimate objective is to prevent premature institutionalization. Thus far, the Subcommittee has studied two aspects of the housing continuum—congregate housing and housing rehabilitation.

The Subcommittee jointly held with the Full Committee two hearings (listed below) which presented Congress with some concrete evidence of the need for the federal government to assume an active role in providing congregate services in housing for the elderly. Through the advocacy efforts of the Subcommittee, the House and later Congress passed the Congregate Housing Services Act of 1978 which provides $120 million over the next four years for congregate facilities and services in public and Section 202 housing for the elderly. (This legislation is included in the Housing and Community Development Amendments of 1978 as Title V.) Twenty million dollars was authorized for FY 1979 and $10 million thus far has been appropriated.

The Subcommittee has also been studying programs which provide assistance to the elderly to rehabilitate their homes. Many senior citizens reside in older houses badly in need of repair. However, they lack the physical strength and/or the financial resources to make the necessary improvements. Without rehabilitation assistance, many may be forced to make alternative living arrangements. The Subcommittee has identified two major problems with the various housing rehabilitation programs now administered by several federal agencies—fragmentation and inadequate funding. The Subcommittee intends to develop recommendations for improving coordination and strengthening the programs so that those elderly who require assistance will be able to obtain it with a minimum amount of delay.

Farmers Home Administration programs

The Subcommittee urged President Carter to recommend that more funding be provided for the FmHA Section 504 Grant program, which provides grants to the elderly living in rural areas to eliminate health and safety hazards in their homes. Four million dollars was added to the Section 504 program in the FY '78 supplemental appropriation.

The Subcommittee worked with the Housing Assistance Council to change the wording in last year's appropriations bill. The House conferees were urged to accept the Senate language which, unlike the House version did not restrict the use of the additional funds to weatherization. The efforts of the Subcommittee proved successful because the final language of the bill specifies that weatherization will be given first priority, but does not preclude the funds from being used for housing rehabilitation.

Section 236

The Subcommittee studied the financial problems currently afflicting the Section 236 program. Rising rents caused by increasing property taxes and utility fees are having a serious and adverse impact on those elderly residents of 236 projects who are living on fixed incomes. The Subcommittee advised the HUD/Independent Agencies Subcommittee of this situation. Seventy-four million dollars were appropriated under a new Troubled Projects program which should provide a limited amount of relief for tenants of Section 236 projects.

Elderly crime victimization

Another area of emphasis was the issue of elderly crime victimization. In the 94th Congress the subcommittee held seven hearings on the problem. In this Congress the subcommittee undertook a major research study utilizing the information from those hearings and all other available data to determine the scope of elderly victimization.

We also attempted to identify the potential victim and offender, to discern successful anti-crime programs and to develop both legislative and programmatice recommendations. The results of this research were published in a committee report entitled, "In Search for Security: A National Perspective on Elderly Crime Victimization." One of the most significant recommendations stemming from the report was the need for victim compensation legislation that would address the unique situation of the elderly victim. Many of the features of the legislation introduced by Mr. Roybal and Mr. Hammerschmidt, were incorporated in H.R. 7010. Although the conference report passed the Senate it was defeated in the very last hours of the 95th Congress.

Older Americans Act

The Subcommittee participated in the development of the Commit
tee's recommendations for the reauthorization of the Older Ameri
cans Act (OAA) to improve the delivery of services funded unde
the Act. The Subcommittee was particularly concerned with the in
clusion of mechanisms in the Act which would ensure maximum par
ticipation of the minority elderly. Presently, language and cultura
barriers preclude many minority elderly from receiving the OA
services they need and are entitled to. To obtain a better insight int
this problem, the Subcommittee consulted with the staff of a numb
of congressmen, the National Center on Black Aged, the Associacio
Nacional Probersonas Mayores, and the National Council of Seni
Citizens. In addition a hearing (listed below) was held by the Su
committee in Los Angeles at which aging experts representing fo
minority groups—Asian American, Black, Hispanic, and Nati
American—testified on the impact of the Older Americans Act
the minority elderly. From the information obtained through th
sources, the Subcommittee developed the following recommendatio
which were included in the Aging Committee's report, but were
included in the Comprehensive Older Americans Act Amendme
of 1978:

Recommendations:

(*a*) Responsibility for targeting the Act's programs—for c
rying forward affirmative action steps already set out in
Act—be placed in the area agency on aging for all progra
covered in the area plan (States should bear parallel responsi
ity where no area plan exists).

(*b*) The U.S. Commission on Civil Rights be required to st
and report to Congress on racial discrimination in feder
funded aging programs.

(*c*) For the service titles of the Act (III, V, VII), area a
cies be permitted to waive any specified minimum age for elig
ity, so that minority group members considered "older pers
in their communities could be served by such programs (
title VII now specifies a minimum age, 60).

(*d*) The National Clearinghouse be directed to compile
disseminate data on the minority elderly.

(*e*) We recommend that there be created within AoA a
fice of Affirmative Action and Minority Affairs, directly re
sible to the Commissioner.

1. The Office would review State plans at the time they are submitted to the Commissioner to ascertain that the States' service titles are in compliance with existing law by serving minority, Indian, and limited English-speaking individuals at least in their proportion to the PCA (or State) population.

2. If the Commissioner, in consultation with the Office, determines than an area agency on aging (or State) is out of compliance, the Commissioner would notify the agency that it has 120 days to develop a plan to come into compliance.

3. If the agency has not complied within one year from the date of notification, the authority to allocate the funds and responsibilities would revert to the State office on aging. (In single PSA States, the funds would revert to the Commissioner). The Commissioner already has the authority under section 305 to reprogram funds for activities not found in compliance.

4. The Office would develop a complaint and grievance procedure adaptable for use at the local level.

(*f*) All parts of title IV of the Act (training, research and multidisciplinary centers of gerontology) be amended to insure closer involvement of minority group members. The Commissioner would set aside monies to assist in training minority persons who are employed or preparing for employment in fields related to the purposes of this Act, and States would actively recruit minorities. The Commissioner would set aside research funds to study minority aging issues. An emphasis would be directed toward utilizing minority researchers and institutions to conduct and implement this research whenever possible. Universities receiving funds for gerontology centers would have to demonstrate affirmative action plans for minority recruitment, enrollment and education.

(*g*) Minority issues should be addressed specifically in any White House Conference on Aging and planning for it.

(*h*) Funds distributed to States by formula take into account the factor of poverty, which parallels closely the factor of minority elderly.

(*i*) In recognition of the special relationship between the Federal Government and recognized tribal organizations of American Indians, a special mechanism be enacted to authorize direct funding to such tribes for activities under the Act.

The Subcommittee also assisted the National Indian Council on Aging in its efforts to obtain direct funding for OAA programs benefiting the Indian elderly. This proposal was included in the legislation.

OVERSIGHT OF FEDERAL PROGRAMS

Housing and Urban Development

During the 95th Congress, the Subcommittee monitored the Section 202 housing program for the elderly and handicapped. The program was decentralized with the HUD area offices assuming the responsibilities for selecting those private, nonprofit sponsors to receive fund reservations. Of particular concern to the Subcommittee was the underrepresentation of minority groups in the program. The Subcommittee obtained substantial evidence that minority nonprofit sponsors

were not able to compete effectively for 202 fund reservations due
their lack of experience in developing housing and limited access
financial resources. The Subcommittee has been working with HU
to resolve this problem, so that the selection criteria used to evalua
applicants for 202 fund reservations will not preclude minority grou
from participating in the program.

In addition to sensitizing HUD to the needs to the minority elder
the Subcommittee has been greatly concerned with the operation
the Section 202 program itself. A survey was recently mailed to
sample of 340 Section 202 sponsors, requesting that they evaluate t
program. The Subcommittee will tabulate the results, analyze the
and present its findings to HUD and the Housing and Communi
Development Subcommittee which will be reauthorizing the progra
next year.

The Subcommittee assisted the Community Services Administrati
(CSA) in developing recommendations and a plan of action for he
ing the elderly poor. The Subcommittee provided technical assista
to this agency in the planning and implementation of a two-day c
ference. "Survival Issues for the Elderly Poor: A National Strate
Meeting." The purpose of the conference was to review progra
sponsored by CSA and those of other federal agencies to determ
what course of action CSA should follow to best address the curr
needs of the low income elderly. The Staff Director helped to prepa
reviewed, and commented on a report on the conference which
submitted to the Executive Director of CSA.

AoA

The Majority Staff Director worked with the Special Assistant
the Commissioner on Aging in the development of an interage
agreement between AoA and HUD aimed at coordinating the deliv
of housing and related social services.

President's Reorganization Project

The Majority Staff Director assisted the staff of the President's
organization Project with developing recommendations regarding
administration and enforcement of federal laws, executive orders,
regulations which prohibit discrimination in housing. The par
pants in this endeavor are primarily concerned with the impact of
reorganization of executive agencies on minorities and the elderl

OMB

The Subcommittee also worked with the Office of Management
Budget on the reorganization of the executive agency programs,
ticularly those which benefit the elderly.

ASSISTANCE TO PRIVATE ORGANIZATIONS

National Center for Housing Management

The Majority Staff Director assisted the President of the Nati
Center for Housing Management in developing a training prog
for minority nonprofit sponsors of Section 202 housing for the eld
The following goals were accomplished:

(1) development of a national training program;

(2) institution of a HUD-sponsored scholarship progra
train 100 minority groups;

(3) identification nationwide of Hispanic, Asian American, and Black groups who, through proper training, could become viable sponsors of Section 202 housing;

(4) Development of selection criteria and a committee to choose the 100 minority groups which will participate in the training program; and

(5) Initiation of the first phase of the training program.

The Majority Staff Director also provided technical assistance to this organization with the preparation of a resource book on managing housing and service for the elderly. The purpose of the book is to train managers to be more cognizant of the special needs of the Hispanic elderly.

National Association of Housing and Redevelopment Officials.

The Majority Staff Director assisted the Staff of the National Association of Housing and Redevelopment Officials with their programs involving residents of public housing, and with identifying the types of assistance needed by elderly homeowners.

Triangle Institute

The subcommittee worked with researchers from the Triangle Institute who had received a grant from the Law Enforcement Assistance Administration to evaluate their "Criminal Victimization Surveys". We assessed the surveys and made recommendations as to how they could be improved for use by policy makers.

Elderly Consumer Project Advisory Council

As a member of the advisory council to the Elderly Consumer Project sponsored by the University of Pittsburgh, the Majority Staff Director assisted in the development of a questionnaire on consumer problems of the minority elderly, in developing a model delivery system for the minority elderly to ensure that they receive needed supportive services, and in reviewing and analyzing a section of the national report to be issued next year on vendors' perceptions of elderly consumers.

INPUT INTO FEDERAL REGULATIONS

Funeral industry

The Subcommittee reviewed and analyzed the proposed trade rule regulation promulgated by the Federal Trade Commission with regard to the funeral industry.

SUBCOMMITTEE HEARINGS DURING THE 95TH CONGRESS

1. March 24, 1977, Washington, D.C. "Housing the Elderly: Integration of Health and Social Services" (joint with Full Committee).
2. August 28, 1977, Los Angeles, California. "Older Americans Act: Impact on the Minority Elderly".
3. September 17, 1977, Indianapolis, Indiana. "Crime and Its Effects Upon the Elderly in Indianapolis, Indiana".
4. January 12 and 13, 1978, Sparks and Las Vegas, Nevada. "Hearing on Housing, Energy, Transportation, Health, and the Older Americans Act" Parts I and II.
5. January 31 and February 1, 1978, Washington, D.C. "Research Into Crimes Against the Elderly" Parts I and II (joint hearing with Full Committee and DISPAC).

6. April 8, 1978, North Babylon, New York. "Energy Needs of Older Americans" (joint with Full Committee).

7. April 12, 1978, Washington, D.C. "Need for Health and Social Services in Elderly Housing" (joint with Full Committee).

8. April 22, 1978, Long Beach, California. "Older Americans Act Oversight in Long Beach, California".

9. September 26, 1978, Washington, D.C. "Energy and the Elderly"

SPECIAL PROJECTS

Energy

The subcommittee held two hearings (listed above) on the energy problems of the elderly to explore various proposals which would provide financial assistance in the payment of utility bills. The subcommittee has studied the merits and disadvantages of a number of programs including fuel stamps, lifeline rates, emergency assistance, and rate reform and will be making recommendations for legislation which will ensure that the elderly will not have to forego other necessities in order to pay continually escalating utility bills.

DESCRIPTIONS OF SELECTED SUBCOMMITTEE PUBLICATIONS

Guide to Housing Programs for the Elderly

The Subcommittee assisted the Full Committee in updating and revising those sections of the Committee publication entitled, "Federal Responsibility to the Elderly", pertaining to housing programs which benefit the elderly.

In Search of Security: A National Perspective on Elderly Crime Victimization

The Subcommittee on Housing and Consumer Interests undertook a study of criminal victimization of the elderly in response to the anxiety expressed by numerous older Americans across the nation. The intent of the study was to determine whether or not the elderly are disproportionately the victims of crime.

All the available data (which includes information from the Federal Bureau of Investigation, statistics from the Law Enforcement Assistance Administration, studies conducted by independent researchers and seven Congressional hearings) lead the Subcommittee to the tentative conclusion that the elderly are not disproportionately the victims of crime.

The reason the conclusion must be "tentative" is that available statistical data have methodological weaknesses in their application to the elderly. One example of this weakness was in the selection of crime categories that were surveyed by LEAA. The categories include some in which the elderly are less susceptible by virtue of age, health, and economics (rape, motor vehicle theft) and exclude categories in which they are more vulnerable (fraud, confidence games, harassment). The Subcommittee believes that with a more refined study, the actual victimization rate would be higher than LEAA has recorded.

Crime against the elderly is a multidimensional problem. Its solution therefore demands interventions at a number of levels. The Subcommittee, therefore, has made several recommendations:

Legislative:

1. That Congress enact legislation that would provide assistance to states which operate programs to compensate victims of crime. The Subcommittee recommends that a victim compensation bill recognize the needs of the elderly by incorporating the following provision:

(*a*) That victims 62 years of age or older, with annual taxable incomes of $3,200 or less for an individual and $6,076 or less for a couple, be compensated for property loss. Only property which is essential for the well-being and security of the individual would be eligible for compensation. There should be no minimum for compensation, however, a maximum of $1,000 should be established.

(*b*) That medical expenses for a victim 62 or older not covered by medicare or medicaid should be compensated.

(*c*) That emergency assistance for such items as food, medicine, rent, utilities, and other essentials be provided for the elderly crime victim. The cost of this assistance would be recovered from any compensation that the victim would receive.

(*d*) That the victim, particularly the elderly, be notified by the police officers investigating the crime of the victim compensation program.

2. That Congress enact legislation to create a Central Office of Criminal Justice Statistics within the Department of Justice. This Office would be responsible for compiling and analyzing all data regarding crime nationally, including that gathered by the FBI and LEAA. In addition, this office should require the FBI to record, through the Uniform Crime Report, the age of all crime victims.

3. That Congress mandate that the Center for Studies of Crime and Delinquency of the National Institute on Mental Health in conjunction with the National Institute on Aging conduct an indepth study of crimes against the elderly by juveniles. The study should specifically focus on the reasons for the increase in violence and brutality.

4. That Congress amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide for a National Conference on Learning Disabilities and Juvenile Delinquency.

Therefore, the proposal embodied in H.R. 1137, the National Conference on Learning Disabilities and Juvenile Delinquency Act, should be enacted in order that Congress might renew its commitment to prevent delinquency, acknowledge the need to stop ignoring a vulnerable and potentially delinquent population, and make a positive step forward in reducing crime against the elderly.

5. That Congress amend Title XX of the Social Security Act, Title II of the Economic Opportunity Act of 1964 and Title III of the Older Americans Act of 1965 to provide for the installation of security devices and minor structural modifications in the homes of elderly residents.

RECOMMENDATIONS TO FEDERAL AGENCIES

Department of Housing and Urban Development

1. HUD in its planning and development of elderly-assisted housing should give priority to age segregated projects and if age-segregated

projects are not feasible, certain buildings should be reserved for the elderly within projects.

2. HUD take steps to determine which federally assisted housing projects with large numbers of elderly residents, including those solely occupied by the aged require security personnel to reduce victimization and fear of crime. In addition, HUD must develop minimum standards and adequate guidelines to ensure that the security personnel can perform their duties proficiently.

3. HUD provide funding under its research and demonstration projects to expand research in the area of environmental and building design. The primary focus of this research should be on the linkage between the physical environment and crime.

4. HUD begin incorporating security and safety features into all federally assisted housing, especially that occupied by the elderly.

Law Enforcement Assistance Administration

1. LEAA establish specific standards that states must meet to ensure that the problem of crime against the elderly is reflected in each state's annual crime control plan as required under Public Law 94–503. The Subcommittee is concerned that LEAA has not moved affirmatively to implement the intent of Congress.

2. LEAA fund a research project to examine means of providing security and reducing victimization among low income central city elderly. The study should focus on the forgotten elderly residing in boarding homes, hotels, and the commercial areas of a city where there is a lack of fundamental elements of a community.

3. LEAA continue its comparative crime surveys, such as "Criminal Victimization in the United States: A Comparison of 1973 and 1974 Findings." The data revealed in this type of study is important because it allows researchers to view current trends in victimization rates nationally in order to develop proper solutions to the crime problem.

4. LEAA must make certain modifications in victimization surveys so that they reflect a more accurate picture of crime against the elderly.

5. The Subcommittee recommends that LEAA study the effects of the "at risk" factor on their criminal victimization surveys.

Administration on Aging

1. AoA allocate funds to develop a linkage mechanism between police departments and local service agencies. This is necessary because police departments are being called to perform social services for which they are not trained. In addition, police departments do not have adequate resources or manpower to carry out these duties along with their other responsibilities.

RECOMMENDATIONS TO LOCAL UNITS OF GOVERNMENT

The Subcommittee recommends the following five programs to local jurisdictions as methods of impacting on the actual criminal victimization rate and to diminish the fear of crime.

1. Education programs that focus on methods to reduce street crime, burglary, and bunco and confidence schemes.

2. Development of community cohesion through locally based crime prevention units such as Neighborhood Watch.

3. Creation of supportive services such as

a. Escort and transportation

b. Telephone reassurance programs

4. Application of a new system in the school districts that have not already adopted a policy, whereby truants are not expelled but instead induced to remain in school. Communities that have implemented this new program have indicated a reduction in crime against the elderly.

5. Citizens must be encouraged to report all crimes, even harassment, to the police department.

OTHER RECOMMENDATIONS TO CONGRESS

The Subcommittee recommends that full consideration be given to employment bills that have specific provisions of education, training, and jobs for teenagers.

TENTATIVE SUBCOMMITTEE AGENDA FOR 96TH CONGRESS

Crime

The Subcommittee will complete the report it is presently preparing in conjunction with the Full Committee and the DISPAC Subcommittee on various governmental agencies' responses to criminal victimization of the elderly.

Housing rehabilitation

The Subcommittee will continue research on housing rehabilitation programs in preparation for future hearings. A report examining programs which provide assistance to the elderly to repair their homes is now in draft form and will be expanded and finalized during the 96th Congress.

Reverse Annuity Mortgages

The concept of reverse annuity mortgages will be studies in preparation for a future series of hearings. This type of alternative mortgage instrument could prove to be extremely beneficial to some elderly homeowners by allowing them to remain in their homes as well as mitigating their financial dilemma of being "asset rich, but income poor".

Property tax relief

The Subcommittee will be publishing a report which will examine the issue of property tax relief for the elderly. The report will address the issue from a Federal perspective by analyzing the arguments for and against providing property tax relief to elderly homeowners and renters at the Federal level.

The Subcommittee will be making legislative and programmatic recommendation aimed at addressing the energy problems of the elderly. Currently, the Emergency Energy Assistance Program, sponsored by CSA, is the only Federal program providing financial assistance to the elderly in paying their utility bills. Evidence presented to the Subcommittee revealed that the program has been plagued by serious administrative problems, as well as insufficient funding to meet the needs of the low income elderly.

SUBCOMMITTEE ON HUMAN SERVICES

Hon. Mario Biaggi, *Chairman*

During the 95th Congress, the Subcommittee on Human Services (formerly the Subcommittee on Federal, State and Community Services) was responsible for a number of significant legislative initiatives to improve the quality of social services to the elderly.

The Subcommittee's involvement in the legislative process was twofold: First, were its activities in studying and making recommendations on policy matters through hearings and investigations. The second was the implementation of many of these recommendations by virtue of Chairman Biaggi serving as a member of the House Education and Labor Committee, which has primary jurisdiction over social services and employment legislation for the elderly. The Subcommittee's involvement was best demonstrated with the passage of the Comprehensive Older Americans Act Amendments of 1978.

The Subcommittee conducted several hearings to develop recommendations for legislation to extend the Act. The first hearing was held in Washington on April 27, 1977, which dealt with the need to establish a National Home Delivered Meals Program. The second hearing was conducted near Chicago on Title II of the Act in November 1977. Another hearing was conducted in Hartford on Title V, the expansion of Multipurpose Senior Centers on December 5, 1977 and in Huron, South Dakota on December 9, 1977 on the rural elderly. Lastly, a compresensive hearing on the Older Americans Act was held in New York City on December 27, 1977.

The Older Americans Act was introduced on April 20, 1979 with Chairman Biaggi as an original co-sponsor. In the first day of hearings, Chairman Biaggi testified on findings of hearings, then participated in all further hearings, mark-up sessions, and the House-Senate Conferences.

The following recommendations which eminated from the Subcommittee hearings were contained in the final Act.

> An increase in funding for the Title V Employment Program from current $190 to $350 million;
>
> Increasing the eligibility level for participation of the employment program to 125 percent of poverty;
>
> Mandating that training funds in the Act be used to train those working in other programs funded by the Act; and
>
> Strengthening the Age Discrimination Act by banning all age based discrimination not just that considered "unreasonable" and giving victims a private right of action.

A number of other proposals were offered and passed the House, but did not appear in the final bill.

Chairman Biaggi was responsible for a number of critically important amendments affecting the elderly.

Transbus.—The Biaggi amendment averted a lengthy delay in the scheduled September 1979 requirement that all buses purchased with federal funds be fully accessible. This amendment was part of the Surface Transportation Act which called for a reevaluation of the mandate and authorized additional studies on Transbus. The Transbus mandate grew out of a 1970 amendment sponsored by Mr. Biaggi making it national policy that mass transit be fully accessible to the elderly and handicapped.

Legal Services.—The Biaggi amendment was approved by the House insuring that the elderly and handicapped poor receive a full range of legal services, including outreach, training and other support services. This amendment is part of the Legal Services Corporation Amendments Act of 1977, which was extended through fiscal year 1980, and became PL 95–222 on December 28, 1977.

Employment.—Biaggi's amendment to the Humphrey-Hawkins bill guarantees the right of full employment to America's 22 million elderly. This legislation became Pl 95–523 on October 27, 1978.

Biaggi's amendment to the Comprehensive Employment and Training Act (CETA) which adds older workers to the categories of groups to receive special attention under Title I of the Act became PL 95–524 on October 28, 1978.

The Subcommittee in determining its hearing sought not only to identify problems, but also develop and follow through with solutions. Chairman Biaggi chaired a full committee hearing in New York City on mandatory retirement (a similar hearing was chaired by Chairman Pepper earlier last year). This hearing was held to drum up support for the legislation to abolish mandatory retirement. This legislation bans almost all mandatory retirement inthe public sector, and raised to age 70 the retirement age in private industry. This bill became public law on April 6, 1978, PL 95–256.

The Subcommittee conducted an oversight hearing on Title XX of he Social Security Financing Amendments of 1977. This hearing ought to determine the effectiveness of Title XX overall and particuarly for the elderly. One of the key recommendations from the hearng was to lift the ceiling. Mr. Biaggi co-sponsored legislation lifting he Title XX ceiling to $2.9 billion for 1979, which became PL 95–216 n December 20, 1977.

The Subcommittee held two hearings jointly with the Subcommittee n Consumer Protection and Finance of the House Interstate and oreign Commerce Committee, which revealed charges of consumer aud by the $4 billion retail eyeglass industry. As a result of this aring, the Federal Trade Commission issued two new rules which ould permit patients to receive copies of their eyeglass prescriptions; d the restrictions against advertising eyeglass equipment was lib-alized.

Mr. Biaggi and Mr. Pepper co-chaired a full committee hearing on ome Health Care Abuse in New York City on February 6, 1978. This aring revealed the following:

That there were 8.4 million dollars in annual payment errors;

That some 1400 home attendants had gone unpaid for a period of up to one year;

That nearly 40 percent of the home attendants were untrained;

That there was more than $1.5 million in federal funds used for the housekeeping program which was misspent; and

That there is a glaring lack of responsibility and accountability in the administration of these programs by the City.

ince the hearing, meetings have been held with the Commissioner he Human Resources Administration which eliminated the backlog unpaid home attendants. In addition, HEW has promised to do their own investigation into the payment errors in the programs.

The Subcommittee conducted the following hearings during the 95th Congress:

Date	Hearing	Location
Apr. 27, 1977	Establishing a National Meals on Wheels Program	Washington, D.C.
Sept. 27, 1977	Aging in the World of Tomorrow	Do.
Oct. 27, 1977	Title XX Oversight	Do.
Oct. 28, 1977	Restrictive Practices of the Consumer Eyeglass Industry	New York, N.Y.
Nov. 14, 1977	Title III Oversight	South Holland, Ill.
Nov. 15, 1977	Loneliness and Social Alienation of the Elderly	Cedar Rapids, Iowa.
Dec. 5, 1977	Title V: Multipurpose Senior Centers	Hartford, Conn.
Dec. 9, 1977	Older Americans Act: A Rural Perspective	Huron, S. Dak.
Jan. 9, 1978	Restrictive Practices of the Consumer Eyeglass Industry	Houston, Tex.
Feb. 8, 1978	Life Extension and Tomorrow's Elderly	Washington, D.C.
May 3, 1978	Future of Work and Retirement	Do.
May 17, 1978	Future of Health Care [1]	Do.
May 20, 1978	A Senior Forum	Appleton, Wis.
July 5, 1978	Future of Aging: Impact of Jarvis Gann, Part I	San Diego, Calif.
July 6, 1978	Future of Aging: Impact of Jarvis Gann, Part II	Oakland, Calif.
Sept. 25, 1978	Inflation and Its Impact on the Elderly	Bridgeport, Conn.

The full committee hearings chaired or co-chaired by Congressman Biaggi are as follows:

Date	Hearing	Location
Feb. 16, 1978	Elderly Crimes Victims Compensation	New York City, N.Y.
July 11, 1977	Active Americans Over 65: A Case Against Mandatory Retirement	Do.
Dec. 28, 1977	The Older Americans Act: The New York Perspective	Do.
Feb. 6, 1978	New York Home Care Abuse	Do.
Dec. 8, 1978	National Health Insurance and the Elderly	Elmira, N.Y.

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[1] Hearing conducted in conjunction with Subcommittee on Health and Long Term Care of the Committee on Aging.

APPENDIX A

RULES OF PROCEDURE SELECT COMMITTEE ON AGING AS ADOPTED MARCH 3, 1977, AND AMENDED FEBRUARY 2, 1978, 95TH CONGRESS

RULES OF PROCEDURE

Rule No. 1

Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the *Select Committee on Aging* and its subcommittees as well as to the respective chairmen.

The rules of the committee shall be subject to amendment at any time.

[See House Rule XI, 1.]

Rule No. 3

The regular meetings of the full committee shall be held on the *first Thursday of each month at 2:00 p.m.*, except when the Congress has adjourned or recessed. The chairman is authorized to dispense with a regular meeting or to change the date thereof, and to call and convene additional meetings, when circumstances warrant. A special meeting of the committee may be requested by members of the committee in accordance with the provisions of House Rule XI, 2c(2). Subcommittees shall meet at the call of the subcommittee chairmen.

Every member of the committee or the appropriate subcommittees, unless prevented by unusual circumstances, shall be provided with a memorandum at least 3 calendar days prior to each meeting or hearing explaining (1) the purpose of the meeting or hearing; and 2) the names, titles, background and reasons for the appearance f any witnesses. The minority staff shall be responsible for providing he same information on witnesses whom the minority staff may equest.

[See House Rule XI, 2(b).]

Rule No. 3

A majority of the members of the full committee and each of e subcommittees shall constitute a quorum of the committee or bcommittee for the purpose of convening meetings, conducting busiss, and voting on any matter: Provided, That the chairman of the l committee may determine that one-third of the members of the l committee shall constitute a quorum of the full committee at meeting for such purpose (other than for the reporting of any asure or recommendation, and voting on the authorization of poenas and on the closing of hearings and business meetings to public) if he gives written notice to that effect to the members prior to the meeting. Any committee member present at a committee meeting may make a point of order that a quorum is not present under the conditions set forth above, but a quorum shall be deemed present unless a member objects to the transaction of business because of the lack of a quorum. Two members shall constitute a quorum for taking testimony and receiving evidence. A majority of the members of the committee must approve any report, or any staff study containing policy recommendations, and the chairman is empowered to obtain that approval in any appropriate manner, including by polling members of the committee in writing. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

Rule No. 4

Every investigative report shall be approved by a majority vote of the committee at a meeting at which a quorum is present. Supplemental, minority, or additional views may be filed in accordance with House Rule XI, 2(l)(5). The time allowed for filing such views shall be 3 calendar days (excluding Saturdays, Sundays, and legal holidays) unless the committee agrees to a different time, but agreement on a shorter time shall require the concurrence of each member seeking to file such views. A proposed report shall not be considered in subcommittee or full committee unless the proposed report has been available to the members of such subcommittee or full committee for at least 3 calendar days (excluding Saturdays, Sundays, and legal holidays) prior to the consideration of such proposed report in subcommittee or full committee. If hearings have been held on the matter reported upon, every reasonable effort shall be made to have such hearings available to the members of the subcommittee or full committee prior to the consideration of the proposed report in such subcommittee or full committee.

Rule No. 5

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present, and shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to that measure or matter.

Rule No. 6

A rollcall of the members may be had upon the request of any member.

Rule No. 7

The committee staff shall maintain in the committee offices a complete record of committee actions including a record of the rollcall votes taken at committee business meetings. The original records, or true copies thereof, as appropriate, shall be available for public inspection whenever the committee offices are open for public business. The staff shall assure that such original records are preserved with no unauthorized alteration, additions, or defacement.

[See House Rule XI, 2(e).]

Rule No. 8

There shall be *Four* (*4*) subcommittees with appropriate party ratios which shall have assigned or fixed jurisdictions.

[See House Rule XI, 1(a) (2).]

Rule No. 9

The chairman and the ranking minority member of the committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

Rule No. 10

Except as otherwise provided by House Rule XI, 5 and 6, the chairman of the full committee shall have the authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

After approval by the majority caucus, the authorization for the creation of new positions shall be approved by a majority vote of the committee, a quorum being present.

Rule No. 11

Except as otherwise provided by House Rule XI, 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

Rule No. 12

The chairman of the full committee will announce the date, place, and subject matter of all hearings at least 1 week prior to the commencement of any hearings, unless he determines that there is good cause to begin such hearings at any earlier date. In order that the chairman of the full committee may coordinate the committee facilities and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least 2 weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date. Witnesses appearing before the committee shall, as far as practicable, submit written statements at least 24 hours in advance of their appearance.

A subcommittee holding hearings in the field may investigate matters that are within the committee's jurisdiction, whether or not the matter being investigated falls wihin the jurisdiction fixed for that subcommittee.

[See House Rule XI, 2(g), 2(j), and XI, 3(f)(2).]

Rule No. 13

Meetings for the transaction of business and hearings of the committee shall be open to the public unless closed in accordance with Rule XI of the House of Representatives.

[See House Rule XI, 2(g).]

Rule No. 14

A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI, 2(j)(2), each committee member may request up to 5 minutes to question a witness until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the direction of the chairman.

Rule No. 15

Investigative hearings shall be conducted according to the procedures in House Rule XI, 2(k). All questions put to witnesses before the committee shall be relevant to the subject matter before the committee for consideration, and the chairman shall rule on the relevance of any questions put to the witness.

Rule No. 16

A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

Rule No. 17

When approved by a minority vote an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcasts, and still photography, or by any such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

[House Rule XI, 3.]

Rule No. 18

The chairman of the full committee shall:

(a) make available to other committees the findings and recommendations resulting from the investigations of the committee or its subcommittees as appropriate;

(b) submit to the Committee on the Budget views and estimates, as appropriate, required of standing committees by House Rule X, 4(g); and

(c) prepare, after consultation with subcommittee chairmen and the minority, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities. After approval by the majority caucus, a majority of the members of the committee must approve the budget, and the chairman of the committee is empowered to obtain that approval in any appropriate manner, including polling members of the committee in writing.

NOTE.—The only change from the March 3, 1977 version of the Rules is in Rule 3, in the provision regarding a quorum for purposes of hearings. The previous text of Rule No. 3 is as follows:

Rule No. 3

One-third of the members of the committee, except when a greater number is required by the rules of the House, shall constitute a quorum, except that two members shall constitute a quorum for taking testimony and receiving evidence. A majority of the members of the committee must approve any report, or any staff study containing policy recommendations, and the chairman is empowered to obtain that approval in any appropriate manner, including by polling members of the committee in writing. Proxies shall not be used to establish a quorum. If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party on the committee or subcommittee who is present shall preside at that meeting.

[See House Rule XI, 2(h).]

APPENDIX B.

Summary of budget and expenditures—95th Congress, 1st session as of December 31, 1978

Authorization, aMrch 4, 1977 (H. Res. 382	$787, 625. 00
Expenditures:	
Salaries	708, 886. 71
Consultants	0
Travel:	
Members and staff	20, 728. 54
Witnesses	4, 728. 24
Total travel	25, 456. 78
Per diem:	
Members and staff	12, 272. 97
Witnesses	1, 362. 50
Total per diem	13, 635. 47
Telephone and telegraph	12, 096. 15
Supplies and publications	5, 074. 30
Equipment	17, 331. 57
Total expenditures	782, 480. 98
Amount unexpended	[1] 5, 144. 02

[1] Unexpended balance of 1st sess. not carried into 2d sess.

APPENDIX C

Summary of budget and expenditures—95th Congress, 2d session as of December 31, 1978

Authorization, March 10, 1978 (H. Res. 1021)	$985, 891. 00
Expenditures:	
Salaries	873, 429. 62
Consultants	0
Travel:	
Members and staff	32, 200. 62
Witnesses	4, 852. 90
Total travel	37, 053. 52
Per diem:	
Members and staff	19, 045. 68
Witnesses	2, 307. 72
Total per diem	21, 353. 40
Telephone and telegraph	14, 205. 32
Supplies and publications	8, 244. 60
Equipment	15, 518. 48
Total expenditures	969, 804. 94
Amount unexpended	16, 086. 06
Total expenditures (95th Congress)	1, 752, 285. 92
Estimated unpaid obligations	[1] 14, 500. 00

[1] Includes salaries for the period Jan. 1, through Jan. 2, 1979.

Appendix D

The Library of Congress,
Congressional Research Service,
Washington, D.C.

LEGISLATION IN THE 95TH CONGRESS RELATING TO THE ELDERLY

Summary

This report describes major legislation relating to the elderly which was enacted during the 95th Congress. In addition, it summarizes selected bills introduced in the 95th Congress but not enacted into law.

ENACTED LEGISLATION

Civil Rights

Age Discrimination in Employment Act—Public Law 95–256

This legislation amends the Age Discrimination in Employment Act of 1967 to eliminate the upper-age limit of 65 for most federal employees effective September 30, 1978, and to raise from age 65 to 70, effective January 1, 1979, the upper-age limit in the Act for protection against discrimination in employment for non-Federal employees. In addition, it prohibits persons age 40 through 69 from forced retirement because of a mandatory retirement provision in a seniority system or employee benefit system such as a private pension plan. Three exemptions to the age 70 retirement age are "bona fide executives," college and university faculty, and certain collective bargaining situations. Business executives are exempt if they are employed for 2 years immediately prior to retirement in a high policymaking position which entitles them to a retirement benefit equivalent to $27,000 annually exclusive of social security. College and universities are permitted to retain compulsory retirement at age 65 of any employees who work under unlimited tenure contracts. This exemption expires July 1, 1982. The effective date for the new age ceiling is delayed with respect to employee benefit plans or seniority systems contained in collective bargaining agreements until January 1, 1980 for contracts in effect on September 1, 1977.

The legislation also directs the Secretary of Labor to study the feasibility of eliminating the upper age in the law or raising it above age 70 for non-Federal employees and report results to the President and Congress by January 1, 1982. In addition, it directs the Chairman of the Civil Service Commission to study the effects of the legislation on Federal employees and the civil service system and report findings to the President and Congress by January 1, 1980.

Status: House Report No. 95–527. Senate Report No. 95–493. House Conference Report No. 95–950. Signed into law April 6, 1978.

Amendments to the Age Discrimination Act of 1975—Public Law 95-478

Included among provisions of the Comprehensive Older Americans Act Amendments of 1978 is authority for the private right of action whereby individuals who claim to be discriminated against because of age in Federal programs may file civil suits after exhausting administrative remedies.

Status: House Report No. 95-1150. Senate Report No. 95-855. House Conference Report No. 95-1236. Signed into law October 18, 1978.

Study of Racial and Ethnic Discrimination in Programs for Older Americans—Public Law 95-478

Included among provisions of the Comprehensive Older Americans Act Amendments of 1978 is the provision mandating the U.S. Commission on Civil Rights to conduct a study of discrimination based on race or ethnic background in any Federal programs which affect older Americans.

Status: House Report No. 95-1150. Senate Report No. 95-855. House Conference Report No. 95-1236. Signed into law October 18, 1978.

Conferences on Aging

White House Conference on Aging—Public Law 95-478

Included in the Comprehensive Older Americans Act Amendments of 1978 is the authority for the President to call a 1981 White House Conference on Aging.

Status: House Report No. 95-1150. Senate Report No. 95-855. House Conference Report No. 95-1236. Signed into law October 18, 1978.

World Assembly on Aging and World Year on Aging—Senate Resolution No. 238; House Resolution No. 736

These resolutions request the U.S. delegation to the United Nations to work with other United Nations delegations in calling for a World Assembly and a World Year on Aging no later than 1982.

Status: Senate Report No. 95-458. Passed the Senate October 5, 1977. Passed the House October 31, 1978.

Housing

Congregate Housing Services Act of 1978—Public Law 95-557

Included among provisions of the Housing and Community Development Amendments of 1978 is an authorization for the Secretary of Housing and Urban Development to enter into contracts with local public housing agencies to provide services in congregate housing for low-income elderly and handicapped persons. Services such as meal services, housekeeping assistance, personal assistance and other such services helping residents maintain independent living may be provided in multifamily housing with congregate dining rooms and other such facilities.

Status: House Report No. 95-1161. Senate Report No. 95-871. House Conference Report No. 95-1792. Signed into law October 31, 1978.

Supplemental Housing Authorization Act of 1977—Public Law 95–24

Among other provisions this legislation extends the authorization for new construction under the section 8 rent supplement program. Under the section 8 program, funds are made available to subsidize the rent down to 15–25 percent of the family's income for low-income tenants. Multifamily housing for the elderly under section 8 may be constructed by private developers who first enter agreements with local housing authorities to lease their units to older people qualifying for section 8 rent supplements. This legislation, therefore, might provide for more housing units housing for the elderly.

Status: House Report No. 95–43. Senate Report No. 95–61. Signed into law April 30, 1977.

Income Maintenance

Food Stamp Act of 1977—Public Law 95–113

The major changes provided for through this legislation consist of: of:

Elimination of the food stamp purchase requirement which will substantially increase the number of recipients by making it easier to obtain food stamp benefits;

More restrictive eligibility standards which will reduce the number of persons eligible (by several million) and lessen the increase in participation that would otherwise occur with elimination of the purchase requirement. Under the new Act, as is now the case, each household's eligibility will depend primarily on its anticipated net (after allowable deductions) monthly income, not total or gross income. However, the net income eligibility ceilings will be lowered to the Federal "poverty levels" and deductions income that is counted toward the ceilings will be limited and standardized. For 1- and 2-person households, the net income ceilings will drop about 5%, to roughly $250 and $330 a month (in "1977 dollars"). Deductions will be strictly limited to a standard $60-a-month deduction for all households, an earned income deduction, and a combination dependent care/shelter cost deduction; and

Benefits are to be redistributed by establishing 30% of net income as the standard rule for reducing (or increasing) benefits as income changes, and by strictly limiting the set of deductions that are to be allowed when benefits are computed. All households are to experience some benefit loss due to the standard 30% "benefit reduction rate." However, for a substantial number of recipients, this loss is to be offset by the fact that the new set of deductions are to total to more than they can claim under present rules, thus reducing the proportion of their income counted in the benefit determination process. Those income graining benefits under the new Act are expected to be primarily low-income recipients.

Status: House Report No. 95–464. Senate Report No. 95–180. Senate Conference Report No. 95–418. Signed into law September 29, 1977.

The Revenue Act of 1978—Public Law 95–600

Included among the provisions of this legislation is the authority for persons age 55 and older to take a once-in-a-lifetime tax exemption of up to $100,000 in profits on the sale of a principal residence occupied by the owner for at least two years of the three years immediately preceding the sale.

Status: House Report No. 95-1445. Senate Report No. 95-1263. House Conference Report No. 95-1800. Signed into law November 6, 1978.

The Social Security Amendments of 1977—Public Law 95-216

The social security amendments provide for:

Making the program become financially solvent by increasing the tax rate and taxable wage base. The 1977 tax rate of 5.85% on the first $16,500 of earnings will gradually rise over the next decade so that by 1987, employees and employers will be required to pay 7.15% each on the first $42,600 (estimated) of the worker's income;

Revising the retirement test for persons age 65 and older by increasing the annual amount of earnings a beneficiary age 65-72 may earn without having any benefits withheld. The amount is increased from $3,000 annually to $4,000 in 1978, $4,500 in 1979, $5,000 in 1980, $5,500 in 1981 and $6,000 in 1982. Beginning in 1982, the exempt age at which the elderly may receive full benefits without regard to their earnings would be reduced from 72 to 70;

Allowing that remarriage does not act to reduce benefits of widows and widowers age 60 and older;

Permitting the duration of marriage requirement for divorced spouse's benefits to be reduced from 20 to 10 years; and

Requiring a comprehensive study under the direction of the Department of Health, Education, and Welfare by 1981 of the question of instituting universal coverage for social security by bringing under the system on a mandatory basis all Federal, State and local public employees, and employees of nonprofit organizations.

Status: House Report No. 95-702. House Conference Report No. 95-837. Signed into law December 20, 1977.

Social Services

The Comprehensive Older Americans Act Amendments of 1978—Public Law 95-478

This legislation revised and extended through fiscal year 1981 the Older Americans Act of 1965, as amended. Prior to the 1978 amendments, the Older Americans Act authorized among other provisions the Administration on Aging within HEW, the title III program of grants for community services, title V program of grants for multipurpose senior center facilities and the title VII program of grants for community-based social services. The 1978 amendments combined the title III program of grants for community-based social services, the title V multipurpose senior center facility program and the title VII nutrition program under one revised title III, one administrative structure, and one allotment formula but retained separate authority for social services and nutrition programs. Multipurpose senior center facilities including the construction of such facilities are to be funded from the State's social services allotment. In addition, States are required to establish a State nursing home ombudsman program for nursing home residents from funds allotted to them for social services. Also, at least 50 percent of the State's social service allotment is to be expended on in-home services, access services such as transportation and outreach services, and legal services with some funds expended in each category of service. The legislation also provided a separate authorization of appropriation under title III for home-delivered meals. As under prior law, in order to qualify for title III funds, States are required to divide the State into separate areas known as planning and service areas and when appropriate establish area agencies on aging to develop and implement an area plan for a comprehensive and coordinated social service system, including congregate and home-delivered meal programs and senior centers.

The amendments also authorized the Administration on Aging to develop a national manpower policy on aging for assessing manpower gaps in the field of aging and providing grants for training personnel to work in programs serving the elderly. Grants also are authorized for special research projects relating to long-term care services intended to support alternatives to institutional living. The amendments also extend under title V of the Act the program of community service employment for low-income older Americans age 55 and older which is administered by the Department of Labor. Also, the amendments create a new title VI under the Older Americans Act through which grants are to be awarded to Indian tribal organizations for the delivery of comprehensive social services, including nutritional services.

Status: Housing Report No. 95-1150. Senate Report No. 95-855. House Conference Report No. 95-1236. Signed into law October 18, 1978.

Legal Services Corporation Act of 1977—Public Law 95-222

Extends for 2 years through fiscal year 1979 the Legal Services Corporation which provides legal assistance to low-income persons and families. It also provides for assuring priority legal services for the elderly and the handicapped.

Status: House Report No. 95-310. Senate Report No. 95-172. House Conference Report No. 95-825. Signed into law December 28, 1977.

Transportation

Reduced Air Fare for the Elderly—Public Law 95-163

Amends the Federal Aviation Act of 1958 to authorize reduced airline fares on a space-available basis for those who are: (1) age 60 and older and retired, (2) age 65 and older, or (3) handicapped. Also, directs the Civil Aeronautics Board to conduct a study on the feasibility of extending reduced air transportation for persons age 21 and younger.

Status: House Conference Report No. 95-773. Signed into law November 9, 1977.

Surface Transportation Assistance Act of 1978—Public Law 95-599

Included under title III of this Act is an authorization for grants and loans to private nonprofit agencies and organizations to provide transportation services for elderly and handicapped persons.

Status: House Report No. 95-1485. Senate Report No. 95-833. House Conference Report No. 95-1797. Signed into law November 6, 1978.

LEGISLATION CONSIDERED BUT NOT ENACTED

Civil Rights

S. 1393

Would have protected the constitutional and other federally protected rights of institutionalized persons by authorizing the U.S. Attorney General to institute civil action against parties depriving individuals of such rights.

Status: Introduced by Mr. Bayh on April 26, 1977. Referred to the Committee on the Judiciary. Hearings held June 17 and 22, and July 1, 1977. Forwarded by Subcommittee to full Committee November 15, 1977.

The Civil Rights Act of 1977—H.R. 9804

This bill would have repealed or superceded a number of statutes (including various titles of the Civil Rights Acts) and executive orders, and replaced them with a comprehensive civil rights law. Among the repealed statutes would have been title II of the Civil Rights Act of 1964. The bill would have prohibited discrimination by an individual or organization who is "(1) engaged in an activity affecting commerce, (2) engaged in an activity or conducting a program which receives Federal financial assistance, (3) a contractor with the U.S. or a subcontractor or vendor under a contract with the U.S., or (4) the holder of any right or interest in any Federal property" and by States and political subdivisions, on account of race, color, national origin, sex, religious affiliation or belief, age, handicap, political affiliaton or belief, marital status, or lack of citizenship status. Prohibited discrimination includes that, "with respect to employment, employment opportunities, compensation, terms conditions, or privileges of employment with respect to the provision of, or access to goods of services (including commercial opportunities), and the extension and terms of credit and housing, or with respect to participation in or enjoyment of benefits of or under any program activity, contract, right, or interest . . ."

Status: Introduced by Mr. Butler and 24 co-sponsors on October 28, 1977 and referred jointly to the Committees on the Judiciary and Education and Labor.

Employment and Education

Middle-Aged and Older Workers Employment Act of 1977—H.R. 1170

Would have established within the Department of Labor a Mid-Career Development Service through which employment services would be developed for persons age 45 and older. Services would have included career training and upgrading employment skills; training persons to work with older workers; mid-career counseling services; development of work opportunities in the private sector; development of employment opportunities in the Federal Government; and research projects in the area of employment for middle-aged and older workers.

Status: Introduced by Mr. Richmond on January 4, 1977. Referred to the Committees on Education and Labor and Post Office and Civil Service.

Older Americans Education and Employment Act—H.R. 2488

Would have established a program of reduced tuition rates to encourage older Americans to attend institutions of higher education. It also would have established a program to acquire data relating to employment opportunities for older people, and establish a job data bank and the listing of all suitable employment openings with local offices of the State employment service by Federal contractors.

Status: Introduced by Mr. Rangel on January 26, 1977. Referred to the Committee on Education and Labor.

Health Care

Many bills before the 95th Congress addressed health care issues affecting the elderly such as bills which would have: amended medicare to provide for coverage of catastrophic health care costs; amended medicare to provide for coverage of eyeglasses, hearing aids, out-of-hospital prescription drugs, and increased coverage of home health care services; reorganized the medicare and medicaid programs to guard against and eliminate fraud, abuse, and waste; and provided for improved health care services in rural areas. Two selected health care bills follow:

Medicare Amendments of 1978—H.R. 13097

Would have made benefit and administrative changes in the medicare program. Would have expanded the home health benefit by providing for unlimited visits under Parts A and B; eliminating the deductible requirement under Part B; and eliminating the present requirement that proprietary home health agencies be licensed under State law in order to participate in the program. Would have included provisions that direct the Secretary to establish additional standards and requirements for participating agencies; require home health aides to complete an appropriate training program; bar physicians who have a substantial financial or ownership relationship with a home health agency from certifying the need for services; and direct the Secretary to designate regional intermediaries for home health agencies.

Also would have authorized coverage for services provided in community mental health centers and outpatient rehabilitation facilities; and authorized the President to enter into reciprocal agreements with other countries to provide hospital and medical services to medicare beneficiaries while outside the United States. Further, would have included changes relating to services furnished by dentists, optometrists, psychologists, podiatrists, and speech pathologists.

Status: Introduced by Mr. Rostenkowski on June 12, 1978. Referred to the Committee on Ways and Means. Reported August 31, 1978. (H. Rept. 95–1533). Passed by the House September 18, 1978.

Medicare Long-Term Care Act of 1977—H.R. 2029

Would have amended the medicare program to establish a long-term care program for persons enrolled in such a program. Services provided would have consisted of home health services, homemaker services, nutrition services, long-term care, institutional care services, day care and foster home care services, and community health center outpatient services. Services would have been financed, in part, through premiums paid by eligible participants. They also would have been financed by States contributing 10 percent of program costs with the balance paid from Federal general revenues.

The program would have implemented through a new State long-term agency which would establish community long-term care centers. These centers would have acted as the coordinator and paying agency for the program as well as an information and referral center for long-term care services.

Status: Introduced by Mr. Conable and 18 co-sponsors on February 7, 1977. Referred to the Committee on Ways and Means and Interstate and Foreign Commerce.

Housing and Energy

Commission on Elderly Housing—H.J. Res. 129

Would have established a National Commission on Housing for the Elderly to study present Federal housing programs and the need for additional housing and community facilities and services. The Commission would have been required to make a report to the President and Congress within 18 months after enactment.

Status: Introduced by Mr. Hannaford on January 11, 1977. Referred to the Committee on Banking, Finance and Urban Affairs.

Consumer Care Protection Act—H.R. 3232

This legislation would have regulated some contracts where an individual pays set fees and/or provides assets to a long-term care institution or congregate homes in exchange for specified services. Specifically the proposal would have required a legal agreement referred to as a "continuing care contract" before federally assisted institutions and organizations could require from aged individuals the transfer of property or cash payments in addition to or in lieu of the institution's regular periodic charges for services rendered. The agreement would set forth in detail the rights and obligations of the institutions and the individual with respect to care and services rendered.

Status: Introduced by Mr. Cohen and 16 co-sponsors on February 8, 1977. Referred to the Committees on Ways and Means and Interstate and Foreign Commerce.

Housing Assistance—H.R. 3238; Energy Stamps—H.R. 4498

Would have authorized grants to States for providing stamps to low-income households to help these households reduce residential utility costs. Eligible households would have received, on a monthly basis, a coupon allotment in an amount equal to 30 percent of the household's utility costs for the month.

Status: Introduced by Mr. Duncan and one co-sponsor on March 4, 1977. Referred to the Committee on Interstate and Foreign Commerce.

Income Maintenance

Consumer Price Index for the Elderly—H.R. 4761

Would have provided for a monthly publication of a consumer price index for the elderly to reflect the retail prices of items purchased by persons aged 62 and older. Would also have provided for studies to determine the feasibility of using this index for cost-of-living adjustments in certain Federal programs such as social security and civil service retirement benefits.

Status: Introduced by Mr. Roybal on March 9, 1977. Referred to the Committee on Education and Labor.

The Better Jobs and Income Act (Welfare Reform)—H.R. 9030; S. 2084

This legislation would have consolidated under one program 3 current income maintenance programs: (1) the supplemental security income program (SSI) for aged, blind and disabled individuals; (2) aid for families with dependent children (AFDC), and (3) the food stamp program.

The proposal would have replaced these programs with a job-oriented program for persons expected to work and a uniform cash-assistance program for those not expected to work or unable to work. Recipients who are aged, blind, or disabled, or responsible for children under age 7 would not be expected to work to receive cash assistance. If they choose to work their Federal cash benefit payment would be reduced by 50 percent. Those expected to work would be single adults, single parents with children aged 14 and older, and the "principle wage earner" of a two-parent nonaged family, persons with children between ages 7–13 would be expected to work part-time. The program also would have created public service employment positions for persons with children.

For the elderly, three factors would determine the size of the cash benefit payment—household size, household composition, and countable income received in the immediately prior six months. The elderly would not be eligible if their annual income were over $5,000 for an individual and $7,500 for a couple or if they were not within the specified assets limitations.

Status: H.R. 9030 introduced by Mr. Ullman on September 12, 1977, and referred to the Committee on Ways and Means. A specially formed welfare reform committee consisting of members from the Committees on Ways and Means, Education and Labor, and Agriculture held hearings from September through November 1977.

S. 2084 introduced by Mr. Long September 12, 1977. Referred to the Committee on Finance.

Supplemental Security Income (SSI)—Public Assistance Amendments of 1977—H.R. 7200

Contained numerous amendments related to the Supplemental Security Income program (SSI) (income for aged, blind, and disabled persons) including an extension of the existing provisions of the law governing food stamp eligibility of SSI recipients to October 1, 1978. Under this provision, SSI recipients in all States except California and Massachusetts are eligible for food stamps. In California and Massachusetts, SSI recipients receive increased State supplementary payments in lieu of food stamps.

In addition, this legislation would have excluded from countable income certain gifts and inheritances not readily convertible to cash. Also, it would have increased payments for persons with an emergency need and presumptively eligible for benefits while they are awaiting an official determination. It also would have provided for a monthly rather than quarterly determination of need.

It also would have provided that the reduction to $25 per month applicable to persons in medicaid institutions will occur after 3 full months of institutionalization, rather than 1 full month, as under current law. The $25 payments would be adjusted based on changes in the cost of living.

In addition, it would have provided for the exclusion of income based on need provided by charitable organizations. Also it would have provided that separated couples be treated as two individuals after one month of separation, instead of 6 months as in current law.

Status: Hearings held on the SSI program May 2-5, 1977. H.R. 7200 introduced by Mr. Corman and 1 co-sponsor on May 16, 1977. Referred to the Committee on Ways and Means. Reported June 7, 1977 (H. Rept. 95-394). Passed the House on June 14, 1977. Referred to the Senate Committee on Finance. Hearings held July 12, 20, and September 8, 1977. Reported November 1, 1977 (S. Rept. 95-573).

Housing Assistance (Tax Credits)—H.R. 3238

Would have amended the Older Americans Act to add a new title VII for providing housing assistance through income tax credits and refunds for certain persons age 60 and older who own or rent their homes. Grants would have been made to States which in turn would provide a credit against a person's personal income tax or real property tax, with appropriate adjustments made for renters. A cash payment could have been made in lieu of a credit.

Status: Introduced by Mr. Downey on February 9, 1977. Referred to the Committee on Education and Labor.

Appendix E

SOME PROGRAMS BENEFITING OLDER AMERICANS
POPULAR DESIGNATIONS

Programs Usually Referred to by TITLE:

Title II of the Social Security Act; see OASDI below

Title III of the Older Americans Act; provides for state and community programs on aging

Title IV of the Older Americans Act; contains three subsections: (a) programs to provide training of persons to work in the aging field; (b) research and demonstration projects in the areas covered by the Act; and (c) program to establish multi-disciplinary centers on gerontology

Title V of the Older Americans Act; provides for the development of multi-purpose senior centers

Title VII of the Older Americans Act; provides for the nutrition programs for the elderly

Title IX of the Older Americans Act; provides for the community service employment

Title X of the Public Works and Economic Development Act; provides for the Job Opportunities Program, a portion of which has gone for older worker employment

Title XVI of the Social Security Act; see SSI below

Title XX of the Social Security Act; provides for variety of social services to benefit principally low-income persons

Programs Usually Referred to by SECTION:

Section 8 of the Housing Act of 1937, as amended; provides for a low and moderate income rent subsidy program

Section 15(b) of the Urban Mass Transportation Act of 1964; provides authority for capital grants to public and private non-profit agencies for meeting the transportation needs of the elderly and handicapped.

Section 147 of the Federal Aid Highway, funds public mass transit demonstration projects in rural areas (up to 50,000 population)

Section 202 of the Housing Act of 1959, as amended; provides for long-term loan program to non-profit sponsors for the construction and rehabilitation of rental housing for the elderly and handicapped

Sections 221(d)(3) and 221(d)(4) of the Housing Act of 1959, as amended; provides for mortgage insurance program on multi-family housing, including the elderly

Section 231 of the Housing Act of 1959, as amended; provides for program of mortgage insurance on rental housing for the elderly and handicapped

Section 232 of the National Housing Act, as amended 1959; provides for insured loan program to construct and rehabilitate nursing homes and intermediate care facilities

pages tightly bound

Section 236 of the Housing and Urban Development Act of 1968, as amended; provides for rental subsidy program for tenants of previous 236 projects whose rent exceeds 25 percent of income

Sections 521 and 525 of the Housing Act of 1949, as amended; provides for program of direct and insured loans for rental and coperative housing in rural areas for low income persons including the elderly

Programs Usually Referred to by Name and/or Abbreviations:

AAA—Area Agency on Aging, the sub-state organization with responsibility for administering programs funded under title III (area planning and social service of the Older Americans Act).

ACE—Active Corps of Executives; under Title III of the Domestic Volunteer Service Act of 1974, provides businessmen with an opportunity for volunteer activities through the Small Business Administration (usually in conjunction with SCORE).

ADEA—Age Discrimination in Employment Act of 1967, as amended; prohibits discrimination in employment practices against those 40–65.

Age Discrimination Act of 1975—Contained in Title III of the Older Americans Act Amendments of 1975 (P.L. 94–135); prohibits unreasonable age discrimination in programs and activities receiving Federal financial assistance.

CETA—Comprehensive Employment and Training Act of 1973; Title IIIA provides for programs to special manpower target groups including older workers.

FGP—Foster Grandparents Program; under Title IIB of Domestic Volunteer Service Act of 1974, provides for stipend-volunteer program using elderly to assist children and other older persons ("Senior Companions").

LEAA—Law Enforcement Assistance Administration, part of the U.S. Department of Justice. Administers anti-crime assistance to states and localities, including projects aimed specifically at reducing crime against the elderly.

Low-Rent Public Housing—In Housing Act of 1937, as amended; provides for loans to local housing authorities for multifamily housing for rental to low income, including elderly.

Medicaid—Title XIX of the Social Security Act; provides for program of health care services to low income persons.

Medicare—Title XVIII of the Social Security Act; provides for program of health insurance for those 65 and some disabled persons.

Model Projects—Section 308 of the Older Americans Act; provides for program of demonstration projects related to meeting needs of the elderly.

NIA—National Institute on Aging, one of the National Institutes of Health, conducts and funds research into the aging process.

OASDI—Old-Age, Survivors and Disability Insurance; under Title II of the Social Security Act, provides for program of regular social security benefits.

PSA—Planning and Service Areas, usually the area served by a single area agency on aging, although some non-urban areas are divided into PSA's administered directly by state officers on aging.

Reduced Fares—Section 5(m) of the Urban Mass Transportation Act of 1964, as amended, provides that recipients of federal funds under this section must charge elderly and handicapped half-fare or less during off-peak hours.

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RSVP—Retired Senior Volunteer Program; under Title IIA o the Domestic Volunteer Service Act of 1973, provides for program t expand volunteer activities of older persons.

SCORE—Senior Corps of Retired Executives; under Title III o the Domestic Volunteer Service Act of 1973, provides program o volunteer services by retired businessmen through the Small Busines Administration.

SOS—Senior Opportunities and Service; under Title II of th Economic Opportunity Act of 1964, provides for program of grants t develop and operate economic related programs to assist low incom elderly.

SSI—Supplemental Security Income program; under Title XV of the Social Security Act, provides income maintenance program fo poor aged, blind and disabled.

VISTA—Volunteers in Service to America; under Title I of th Domestic Service Act of 1973, provides for program of stipend volunteer work for all adults in poor areas of the country.

○

5th Congress, 2d Session - - - - - - - - - - - **Union Calendar No. 976**
House Report No. 95–1842

FINAL REPORT

REPORT

PREPARED BY THE

SELECT COMMITTEE ON POPULATION
U.S. HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS
SECOND SESSION

Serial F

JANUARY 1979

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LETTER OF SUBMITTAL

U.S. House of Representatives,
Select Committee on Population,
Washington, D.C., January 5, 1979.

dmund L. Henshaw,
f the House,
pitol, Washington, D.C.

Mr. Henshaw: Pursuant to House Resolution 70, 95th Con-
am pleased to submit the Final Report of the Select Com-
n Population for 1978.
every warm best wish,
incerely,

James H. Scheuer,
Chairman.

LETTER OF TRANSMITTAL

House of Representatives,
Select Committee on Population,
Washington, D.C.

Hon. Thomas P. O'Neill,
Speaker, U.S. House of Representatives,
Washington, D.C.

Dear Mr. Speaker:

As required by House Resolution 70, which established the Select Committee on Population, I am pleased to submit to you this Final Report. I believe that a few minutes spent perusing this report will prove to be informative and rewarding, because it contains the essential findings of the principal earlier reports of the Select Committee, as well as the Select Committee's recommendations for action by Congress and the executive branch.

In addition, our Final Report is annotated (in bold face type) to indicate congressional or administrative action that has already been accomplished with respect to our recommendations. Many of these proposals for improvement have not been acted upon, of course, and due to the exigencies of time during the Select Committee's 1-year life to date, we were unable to investigate fully a number of important questions that confront the Nation and the world. These matters are outlined in this Final Report and appropriately labeled "Issues Warranting Further Inquiry."

In its wisdom, the 96th Congress may see fit to reestablish the Select Committee on Population. In that event, I would recommend that the following topics be addressed in 1979 and 1980:

I. Domestic Fertility

1979:

1. Government services and research on problems of infertility among American couples.
2. Adolescent fertility—
   - (*a*) Family life and sex education,
   - (*b*) Appropriateness of contraceptives for teenagers.
3. *Staff study* (no hearings needed)—
   - (*a*) Impact of new DHEW sterilization regulations,
   - (*b*) Acceptability of natural family planning methods,
   - (*c*) Progress of the Administration's adolescent pregnancy initiative.

1980):

1. Assessment of administrative efficiency of Federal family planning programs.
2. Potential positive impacts of low fertility (including utilization of empty school facilities).

II. IMMIGRATION AND INTERNAL MIGRATION

1979:

1. Local impacts of population movements—
   - (*a*) How can internal and international migration to local areas be factored into local population estimates for, for example, revenue sharing?
   - (*b*) Statistical models to assess impacts of immigration,
   - (*c*) Costs and benefits of illegal immigration: can any better analyses be done?
   - (*d*) How should costs of international immigration be borne—locally, by the States, federally?
2. Immigration policies and administration in other developed and developing countries (extension of GAO study requested by the Select Committee).
3. *Staff Study* (no hearings needed): Role of State Department in immigration—
   - (*a*) Adequacy of visa procedures, especially in Latin America,
   - (*b*) Cooperation between State Department and Immigration and Naturalization Service (INS).

1980:

1. Organization of Federal data and statistics on migration—
   - (*a*) Role of Immigration and Naturalization Service (INS),
   - (*b*) Role of Department of State,
   - (*c*) Role of Bureau of the Census,
   - (*d*) Proposals for National Academy of Sciences Committee study.
2. *Staff Study* (no hearings needed): Holistic approach to illegal Mexican immigration—
   - (*a*) Trade relations, including access to U.S. markets for labor-intensive Mexican goods,
   - (*b*) Development assistance.

III. INTERNATIONAL

1979:

1. The role of the international community in population and family planning. The activities of non-governmental organizations, the United Nations and its Specialized Agencies, and international financial institutions with regard to—
   - (*a*) Single-service family planning delivery sites,
   - (*b*) Joint (integrated) MCH-family planning efforts,
   - (*c*) Community-based distribution programs (and other examples of community involvement),
   - (*d*) Information/education/communication,
   - (*e*) Training (of managers/administrators as well as service delivery personnel).
2. AID reorganization and the role of the State Department in population matters—
   - (*a*) The reorganization of AID, special initiatives, and the "Humphrey Bill":
     - (1) Implementation of Section 104(d) and Section 113 (Women in Development),
     - (2) Regionalization of bilateral population assistance,

III. INTERNATIONAL—Continued

- (3) International Development Cooperation Act of 1978 (including the Foundation for International Technological Cooperation).
- (b) Role of the State Department in population matters:
  - (1) Role of the Office of International Environmental and Scientific Affairs (OIESA), the Population Coordinator, and the NSC Ad Hoc Group on Population Policy,
  - (2) Role of Ambassadors and embassy personnel in population matters.

3. *Staff Activities* (no hearings needed): Preparations for participation by Members of Congress in the International Conference of Parliamentarians on Population and Development sponsored by the Inter-Parliamentary Union and the United Nations Fund for Population Activities.

80:

1. Legislative and other restrictions on international population assistance, both in developing and developed countries—
   - (a) Analysis of legislative, regulatory, and administrative restrictions,
   - (b) Examples: restrictions based on Western medical standards.
2. Contraceptive needs and contraceptive research in developing countries—
   - (a) What types of contraceptives are most needed in different settings?
   - (b) Can capacity for contraceptive research be expanded in developing countries?

V. COORDINATION AND IMPLEMENTATION OF POPULATION-RELATED ISSUES IN THE UNITED STATES

9:

1. Analysis of the needs for and uses made of population data for effective policymaking by the Federal Government; investigation of the appropriateness of creating a Central Statistical Office.
2. Investigation of the quality of various population estimates and projections for State and local areas and the problems arising from their use for planning and funding of governmental programs.

):

1. Population-relevant agencies—
   - (a) Examination of the role of relevant bodies in the Executive Branch with jurisdiction over population issues (includes Deputy Assistant Secretary for Population Affairs, DHEW; Health Services Administration, DHEW; Immigration and Naturalization Service, Department of Justice; Department of Housing and Urban Development; Office of Management and Budget; etc.),

IV. COORDINATION AND IMPLEMENTATION OF POPULATION-RELATED ISSUES IN THE UNITED STATES—Continued

(b) Analysis of alternative proposals for improving and coordinating such policymaking, including experience of other developed countries.

2. Organization of Federal population research—

(a) Role of National Institute of Child Health and Human Development as "lead agency" for population research; has this function been fulfilled adequately?

(b) Are allocations of research funds appropriate, given their division between two primary agencies (NICHD and AID) and many other agencies?

One other pending matter deserves your attention. As you know, the Select Committee on Population is the first parliamentary body of its kind. It is heartening to report that many other national legislatures are now showing clear interest in emulating our leadership in this respect.

An Inter-Parliamentary Group on Population and Development has been formed. Ten nations are represented on its steering committee, of which I have the honor to be a member. In August 1979, the Inter-Parliamentary Group plans to convene its first worldwide meeting in Sri Lanka. Dr. Michael S. Teitelbaum, Staff Director of the Select Committee on Population, provided professional assistance to the steering committee in the preparation of the agenda for the Sri Lanka meeting, and he has now been asked to continue to serve as an advisor to the steering committee.

In addition to Dr. Teitelbaum as Staff Director, the Select Committee and the 95th Congress were very well-served indeed by Dr. Maris A. Vinovskis, Deputy Staff Director; Sharon L. Kite, Administrative Director; and an absolutely superb research and support staff, all of whom have received well-deserved recognition in one or another of our other reports.

With every warm best wish,

Yours,

JAMES H. SCHEUER, *Chairman.*

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Congress } HOUSE OF REPRESENTATIVES { Report
Session } { No. 95-1842

FINAL REPORT OF THE SELECT COMMITTEE ON POPULATION

ary 5, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

r. Scheuer, from the Select Committee on Population, submitted the following

REPORT

I. INTRODUCTION

The Select Committee on Population was established by the House of Representatives on September 28, 1977. The sixteen-member Select Committee is authorized to sit and act during the current Congress only, as is the case of all select committees. The Select Committee is the first, and at this time the only, parliamentary group in the world that is concerned solely with the vital questions of population.

Under the resolution adopted by the House, H. Res. 70, the Select Committee was directed to conduct a full and complete investigation of:

1. the causes of changing population conditions and their consequences for the United States and the world;
2. national, regional, and global population characteristics relative to the demands on limited resources and the ability of nations to feed, clothe, house, employ, and govern their citizens and otherwise afford them an improved standard of living;
3. various approaches to population planning (including the study of family planning technology, with emphasis on measures to reduce the frequency of conception rather than the termination of pregnancy, and the relationship of improved economic and social opportunities to family size) in order to ascertain those policies and programs, within the United States as well as other nations, which would be most effective in coping with unplanned population change;
4. the means by which the United States Government can most effectively cooperate with and assist nations and international agencies in addressing successfully, in a noncoercive manner, various national, regional, and global population-related issues.

Members of the Select Committee organized themselves into task forces to address the subject matter specified in the mandate to the Select Committee from the House. Representative James H. Scheuer, Chairman of the Select Committee, and Representative John N. Erlenborn, Ranking Minority Member, co-chaired a task force to provide an overview of the entire charge to the Select Committee. A week of overview hearings was held early in February 1978, to introduce population issues, to explain certain myths and realities of population, and to place the subsequent work of the Select Committee in its historical context. *World Population: A Global Perspective—1978* is the official record of these hearings. A report of the Select Committee, *World Population: Myths and Realities* is based on the overview hearings. It is a "population primer" for those not completely conversant with population issues. Attention is focused on the burgeoning problems of population, and suggestions are offered on how to begin to solve them.

Representative Anthony C. Beilenson and Representative Paul N. McCloskey, Jr. were co-chairmen of a task force considering fertility and contraception in the United States. Representative Cardiss Collins and Representative Richard A. Gephardt were members of this task force, which reviewed family planning practices and services in this country and uncovered deficiencies in national programs dealing

with family planning, teenage pregnancy, and contraceptive rese
The Select Committee held 9 days of hearings on domestic fer
and contraception issues in late February and early March 1978,
an additional day of hearings in June 1978. *Fertility and Co*
ception in America is the official record of these hearings, issu
three volumes:

Vol. I. *Domestic Fertility Trends and Family Plan*
Services.

Vol. II. *Adolescent and Pre-Adolescent Pregnancy.*

Vol. III. *Contraceptive Technology and Development.*

These three volumes form the basis for a report of the Select
mittee, *Fertility Contraception in the United States.*

Representative James H. Scheuer and Representative Joh
Erlenborn were co-chairmen of a task force dealing with legal
illegal immigration to the United States. Serving with them
Representatives Paul Simon, Daniel K. Akaka, Baltasar Cor
Thomas N. Kindness, and Harold C. Hollenbeck.

Four days of Select Committee hearings were conducted by
immigration task force early in April 1978. The hearings provi
review and analysis of the causes and consequences of immigr
to the United States, both legal and illegal. *Immigration to the U*
States is the official record of these hearings. *Legal and Illegal*
migration to the United States is a report of the Select Comm
derived from these hearings. The Select Committee found tha
though reliable data on the impact of legal and illegal immigr
are scarce, it is unquestionably true that the flow of illegal a
into the United States is virtually unchecked by the under-fina
agencies responsible for securing U.S. borders. In its report,
recommended that Congress fund a substantial commitment bo
immigration research and to the enforcement of the immigr
laws.

Representative Michael Harrington and Representative Paul Si
were co-chairmen of a task force concerned with population and d
opment assistance. Serving with them were Representatives Ca
Collins, Stephen L. Neal, Frederick W. Richmond, Anthony C.
enson, Dale E. Kildee, Baltasar Corrada, Paul N. McCloskey,
and Dave Stockman.

The Select Committee held 9 days of hearings on internati
population and development assistance issues in April and May
and 3 days of hearings on the subject of Depo-Provera in Au
1978. *Population and Development* is the official record of the 9
of hearings, issued in three volumes:

Vol. I. *Overview of Trends, Consequences, Perspectives,*
Issues.

Vol. II. *Status and Trends of Family Planning/Popul*
Programs in Developing Countries.

Vol. III. *Research in Population and Development: Need*
Capacities.

The *Depo-Provera Debate* is the official record of the hearin
that subject. On the basis of its hearings, the Select Committee is
a report, *Population and Development Assistance*, which empha
the need for closer cooperation between U.S. foreign assistance
grams and the receiving countries and outlines some of the sp
obstacles to achieving this end, as well as some ways to succeed.

Representative Daniel K. Akaka and Representative Dave S
man were co-chairmen of a task force on domestic consequen

United States population change. Serving with them were Representatives Stephen L. Neal, Anthony C. Beilenson, Richard A. Gephardt, Dale E. Kildee, Thomas N. Kindness, and Harold C. Hollenbeck.

The Select Committee held 8 days of hearings at the end of May and the beginning of June 1978 on the need for all levels of government to anticipate population change and to develop appropriate policy responses. *Consequences of Changing U.S. Population* is the official record of these hearings, issued in three volumes:

Vol. I. *Demographics of Aging.*
Vol. II. *Baby Boom and Bust.*
Vol. III. *Population Movement and Planning.*

A report of the Select Committee, *Domestic Consequences of United States Population Change*, is based on these hearings. Because the report concentrates on the policy impacts of two key demographic trends—the changing age composition and the changing geographical distribution of our population—the Select Committee conclusions could be of clear relevance to all Americans.

House Resolution 70 directs the Select Committee on Population to render a final report for referral to the appropriate standing committee. In fulfillment of this charge the final report that follows contains the findings and recommendations presented in all reports of the Select Committee except the one based on the Select Committee's overview hearings. Findings and recommendations of that report, *World Population: Myths and Realities*, were perforce tentative and to some extent duplicative of the findings and recommendations of subsequent reports of the Select Committee.

As appropriate, the recommendations of the Select Committee set forth in this report are annotated to indicate action by Congress and the executive branch during the 95th Congress with respect to the specific proposals embodied in the recommendations. Such annotations are printed in boldface type.

In addition, this final report of the Select Committee on Population includes certain questions that were not addressed by the Select Committee task forces during 1978 due to the exigencies of time. These matters, which are discussed hereinafter under the heading, "Issues Warranting Further Inquiry," are commended to the attention of the standing committees of the House of Representatives.

Finally, in an appendix to this report, there are examples of the letters from the Chairman of the Select Committee on Population to Federal agencies, discussing the Select Committee's recommendations of relevance to the particular agency.

FERTILITY AND CONTRACEPTION IN THE UNITED STATES

FINDINGS

RT I—DOMESTIC FERTILITY BEHAVIOR AND CONTRACEPTIVE SERVICES

nds in fertility and contraceptive use

Fertility has declined nearly 50 percent from its 1957 high during "baby boom". Fertility is now the lowest ever observed in the ted States.

Prior to 1960, one in every three women experienced a birth subnent to the intended completion of her family; in the last ten years, rate is estimated to have been reduced by an average of 36 percent.

No more than 38 percent of all married couples used contraceptives 965, but more than 75 percent use some method of birth control ay. Excluding those couples where one partner is infertile or where women is pregnant, postpartum (has just delivered a child), or tryto become pregnant, only 8 percent of all married women at risk of eption are currently not using some form of contraception.

Use of the three most effective methods of birth control—the pill, IUD, and voluntary sterilization—has increased from less than rcent of married women in 1960 to 69 percent in 1973.

In 1973, 36 percent of all couples who were using a contraceptive hod were using the pill.

Voluntary sterilization now has become the most popular method ontraception for all married couples. In 1975, more than half of all erican couples who intended to have no more children had been ntarily sterilized. It is estimated that more than 5 million couples, re the wife is of reproductive age, have chosen voluntary sterilizato prevent unwanted pregnancies.

Desired family size has decreased among women between the ages 8 and 24 from 2.8 children in 1971 to 2.1 children in 1977.

More than half (51 percent) of all mothers with children under the of 18 years were in the labor force in 1977, and one-third of mothers children under the age of 3 years held jobs outside the home.

Women who work have fewer children, on the average, than en who do not hold outside jobs, and women whose work involvet is intense have smaller families than those whose work involvet is marginal. Whether women's work is a cause or effect of low lity is not clear.

. For a variety of medical and psychological reasons, 3 percent of American couples in which the wife is under the age of 45, or one ion couples, are involuntarily sterile or have difficulty conceiving.

The provision of family planning services

11. Of the estimated 9.2 million low-income women and teenagers at risk of unwanted pregnancy in the United States today, about two-thirds are receiving contraceptive services either from publicly supported programs or private physicians. About 2 million adolescents and about 1.5 million low-income women remained unserved in 1976.

12. Private physicians, who supply half of all medical contraception, are reaching more than a million low-income women and an equal number of teenagers annually. However, lack of data regarding physicians' attitudes toward contraception and the range and quality of their services makes it difficult to assess their role in family planning delivery.

13. The other half of all medical contraceptive service delivery is carried out in the Nation's 5,000 family planning clinics, most of which receive Federal funds. Half of these are operated by State or local health departments, and 7 percent are Planned Parenthood affiliates. Family planning clinics served an estimated 3.6 million teenagers and low-income women in 1976.

14. Almost all clinics supply the most effective contraceptive methods (pills, IUDs) and about 80 percent provide barrier methods (condoms, diaphragms). Three-fifths of the clinics reports that counseling in periodic abstinence (natural family planning) is among their services. Half of the clinics provide infertility screeing and one-fifth perform sterilizations.

15. The federally supported family planning program has been very effective in enrolling low-income women and is helping them to reduce their unwanted fertility. Based on an estimate that the organized program averted one million unwanted pregnancies in the period 1970–75, Phillips Cutwright and the late Frederick Jaffe concluded that the Federal Government alone saved $1.80 in health and social services costs for every Federal dollar spent on family planning.

16. Of the 3.6 million low-income clients served by organized family planning clinics, only one percent were males. This low figure suggests a paucity of services for males.

17. Approximately 100,000 federally subsidized sterilizations were performed in 1976: 23,000 in Public Health Service clinics, and an additional 77,000 paid for under Medicaid. No information is available, however, on the cost of these services or the extent of the unmet demand for subsidized sterilizations. New and more restrictive regulations concerning subsidized sterilizations were recently proposed by DHEW.

18. Though infertility affects more than a million couples in the United States, very few family planning clinics offer infertility screening or treatment. Furthermore, there is little information on the distribution of infertility in our population or the extent of the need for services in this area.

19. Federal support for family planning is provided through four major statutory authorities: Title X of the Public Health Services Act and Social Security Act Titles V (maternal and child health), XIX (Medicaid) and XX (social services). There is insufficient coordination among Federal agencies administering these programs, frequently resulting in inefficient use of Federal resources and lack of responsiveness to overall DHEW priorities.

. The Title X program, through which DHEW directly funds
ly planning projects, is the most flexible and effective component
e Federal effort.

. For several years, the stated intention of the Public Health Serv-
as been consolidation of its specialized or categorical programs
more comprehensive health care centers to reduce fragmentation
re and duplication of effort within the Federal health care sys-
However, the unique problems involved in delivering family
ning service, often are solved more efficiently in categorical pro-
s and family planning efforts might suffer from consolidation.

l science research in population

Social science research is a necessary adjunct to biomedical re-
h in the population field. Without the use of social science tech-
s, many questions related to health and contraceptive behavior
d remain unanswered.

There are long and unnecessary delays between the collection of
on vital events (such as births, deaths, marriages, and divorces)
e National Center for Health Statistics (NCHS) and the avail-
ty of these data for public use. These delays hinder the ability of
ymakers, as well as researchers, to monitor changing trends in
lation.

There are also unnecessary delays between the collection of data
the National Survey of Family Growth by NCHS and the avail-
y of these data for public use. Since this survey is the major data
e of information on families and on contraceptive use, delays in
vailability of these data, for example, do not permit timely analy-
the need for federally supported family planning services.

The Office of Management and Budget requires that all question-
s used in contract research be cleared in that office, on the basis of a
ionable interpretation of the Federal Reports Act. This clearance
ss often leads to delays of 6–12 months in obtaining approval for
rch, thus retarding research efforts and often increasing the cost
Government.

The Center for Population Research (CPR) of the National
ute of Child Health and Human Development (NICHD), a unit
National Institutes of Health (NIH), DHEW, is designated as
ad agency in population research in the United States. However,
se of the "health umbrella" under which it has been operating,
PR has not been able to address certain areas of research ade-
ly, including the economic consequences of a changing population
e social, political, and economic effects of legal and illegal immi-
n on American society.

Research on family planning program operations has been the
sibility of the Office of Family Planning of the Bureau of
unity Health Services, Health Services Administration,
W. However, the budget for these research activities has been
d and used primarily for collection of data on family planning
. Of the research projects supported with remaining funds, few
een useful in assessing U.S. family planning programs.

The number of research grant applications in the behavioral
s submitted to the NIH Center for Population Research has

increased significantly over the years. The percentage of grants a
proved has ranged from 36 percent in 1970 to 63 percent in 1974. Ho
ever, of all the grants approved, an average of only 50 percent we
funded in any one year. Thus, resources were not sufficient to perm
funding of all applications of excellent scientific quality and hi
social relevance.

PART II—ADOLESCENT FERTILITY

Trends in adolescent fertility

29. Contrary to the popular belief that the overall rate of teena
childbearing has increased dramatically, the rate of fertility f
women age 15–19 has actually declined during the past twenty yea
However, while the drop in the teenage birth rate has been substanti
it is less than that experienced by older women during the same ti
period. Furthermore, the birth rate of teenage girls ages 15–17 d
clined by only 3.4 percent, and that of girls ages 10–14 actually i
creased by 33.3 percent between 1966 and 1976.

30. Of all of the young women who were 15 years of age in 197
40 percent became pregnant at least once before they reached th
twentieth birthdays.

31. While the rate of out-of-wedlock births among teenagers h
increased, it has dropped sharply for all other age groups. One
four births to white teenagers were out-of-wedlock in 1976, and ful
eight out of ten births to non-white adolescents were out-of-wedloc
The great increase in out-of-wedlock births among teenagers is large
the result of premarital conceptions that today are less likely th
in the past to be legitimized by marriage.

32. There has been a profound change in adoption behavior. On
ten years ago, nearly ninety percent of all children born out-o
wedlock were put up for adoption. Today, only about ten percent
all out-of-wedlock infants are offered for adoption.

33. Data from the National Center for Health Statistics for 19
indicate that the rate of maternal mortality for teenagers is for t
first time somewhat lower than that for women in their early twenti
although this may be only a statistical artifact. However, childr
whose mothers are younger than 20 years old are still more likely
die during their first year of life than children whose mothers are
least 20 years old.

34. Pregnancy is the single most common reason that young gi
drop out of school: nearly 70 percent of pregnant girls fail to comple
high school. Among mothers age 15 or younger, 90 percent never fini
high school and 20 percent fail to complete even the eighth grade.

35. In 1975, the Federal Government disbursed nearly half of t
total AFDC expenditures to households including women who we
teenagers when they first gave birth. This represented no less th
$4.65 billion.

36. Brides age 17 and younger are three times more likely
separate from their husbands than brides who were married in the
early twenties.

37. Sexual activity among unmarried female adolescents has great
increased. This increase has been observed in every age group fro
15–19 years of age.

38. Use of contraceptives among sexually active teenagers has increased. However, adolescent contraceptive use continues to be sporadic and typically involves relatively unreliable contraceptive practices such as withdrawal.

Family Life and Sex Education

39. Recent research has documented a serious lack of accurate information about sex, sexuality, and contraception among most of today's adolescents—particularly among teenage males.

40. Currently, only six States and the District of Columbia require family life and sex education in their school systems. Most of the remaining States permit local discretion; several of the 29 States requiring "health education" courses make no mention of family life and sex education. The teaching of sexuality and human reproduction "as it relates to the act of sexual intercourse" is prohibited in one State—Louisiana.

41. Even in those states where family life and sex education is required and the curriculum is prescribed by law, actual program content, methods, and materials differ widely among teachers and classrooms. Among the school districts that currently offer family life and sex education programs, only 68 percent teach human reproduction, 67 percent teach adolescent sexual development, 57 percent discuss ethical standards, and 30 percent discuss "planned parenthood".

42. The great majority of family life and sex education instructors have had no formal or technical training in the subject. As of 1976, 90 percent of all colleges and universities offered courses dealing with sexuality, but these courses generally are not required and often are not designed to qualify the student to teach the material.

43. Though public school efforts may be the most visible approaches to family life and sex education, private community organizations also sponsor a number of programs. Most of these groups have received minimal, if any, government support and are maintained primarily through the efforts of dedicated individuals.

44. Religious organizations have also been responsible for several successful programs in family life and sex education. Most of these programs are designed to help parents as well as students understand sexuality in terms of religious traditions and moral and ethical standards.

45. Before the effectiveness of various approaches to sex education can be evaluated, the objectives of such education must be defined. Much of the current controversy surrounding sex education stems from disagreement about both immediate and long-term goals of such programs. The primary objective of Federal efforts in family life and sex education has been to reduce unwanted pregnancy rates among teenagers, while the primary goal of most sex educators appears to be encouragement of healthy attitudes about sex and sexuality.

46. To develop and expand effective family life and sex education programs, more knowledge is needed about how best to meet the needs of adolescents.

The research methods used to study the effects of sex education have been relatively unsophisticated for the most part, thereby limiting the usefulness of many studies.

47. Federal financial support of family life and sex educatior
been minimal. Funds have been provided through a variety of Fe
grant and contract programs with other priorities. The absence of
cific earmarking of funds for family life and sex education i
obstacle to accountability.

Services for adolescents

48. Of the approximately 4.2 million adolescent women at ri
unwanted pregnancy, about 40 percent—or 1.8 million—do not
access to family planning services from either private physiciar
clinics.

49. Title X of the Public Health Services Act requires grante
serve teenagers and Titles V, XIX and XX of the Social Security
Permit such services.

50. Of the 1.2 million teenagers who receive services from fa
planning clinics, 42 percent are served by clinics operated by State
local health departments, and 30 percent are served by Planned Pa
hood affiliates.

51. The caseloads of these clinics are primarily female. Ther
almost no services for adolescent males in most local programs.

52. One-third of the young women making their first visits to
ily planning clinics have already engaged in sexual intercourse

53. Half of the young women who attend clinics never returr
second visits. The relatively low level of adolescent participatio
family planning programs has been attributed to a number of prob
associated with providing contraceptive services to teenagers:

- "barriers" to service delivery such as anxiety about confi
tiality, inconvenience in terms of location and cost, discom
with the "medical" atmosphere of most clinics, and lack of ir
mation about service availability;
- legal impediments, in the form of complete prohibition
services to minors, parental consent requirements, or par
notification requirements; and
- factors not directly related to service delivery practices w
contribute to a lack of motivation among teenagers to utilize a
able services; virtually no work has been done to identify
factors.

54. Some of these barriers have been overcome successfully o
experimental basis in comprehensive programs where contrace
services and information are provided within the context of
activities for teenagers. The cost-effectiveness of such efforts is dif
to assess, however, since the range of services provided and fun
sources differ so markedly. It is also unclear whether such experim
programs operated on a small scale by committed practitioners c
replicated on a large and routine basis.

55. Despite efforts to provide contraceptive information and ser
to teenagers, about one million adolescent girls become pregnant
year; in 1976, approximately 570,000 of those pregnancies result
live births, and about 300,000 pregnancies resulted in induced abort

56. The range of services required by pregnant teenagers inc
prenatal, delivery, and post-delivery medical care, family plan
counseling and services, infant and child health screening, pare
education, special programs to keep young mothers in school, em

ment assistance, day care, and adoption/foster care counseling and assistance. Though the Federal Government has programs in almost every one of these service areas, many believe they are too fragmented and too limited to have significant impact.

57. Most individuals concerned with the problems of pregnant adolescents believe that comprehensive programs are the best way to address the disadvantages of early pregnancy. With regard to medical problems associated with adolescent pregnancy, there is evidence that more comprehensive services are most successful. Whether such programs are also more effective in dealing with undesirable social outcomes, such as dropping out of school, is not as clear.

58. Approximately 173,000 of the one million girls who become pregnant each year are still in need of federally subsidized maternity care. If the DHEW estimate of maternity and post-delivery medical costs ($2,000 per patient) is accurate, such care would cost $346 million, far less than many providers have estimated. (This estimate, however, does not include non-medical services.)

59. Although special comprehensive services for pregnant teenagers appear to be worthwhile and necessary, these programs are much more expensive than family planning programs. This cost differential is one reason for the current debate on the relative priorities of family planning services for sexually active teenagers who are not yet pregnant versus comprehensive services for pregnant teenagers.

The administration's proposals

60. The proposed Administration program would provide an increase of $142 million for services and research on adolescent fertility during fiscal year 1979, $78 million of which would be mandated under a new initiative: $60 million under new legislation (the Adolescent Health, Services, and Pregnancy Prevention and Care Act of 1978) and $18 million in extended Medicaid coverage.

61. In addition to the funds associated with the proposed legislation, the President's Fiscal Year 1979 budget calls for an increase of $64 million over 1978 levels for currently authorized programs including:

- an increase of $10 million over fiscal year 1978, along with the retargeting of $8 million in existing Title X family planning funds, to provide services to 1.4 million adolescents—240,000 more than the fiscal year 1978 target group;
- reimbursement to States for family planning services to teenagers;
- an increase of $15 million to provide family planning and other related services to an additional 147,000 adolescents in medically underserved areas;
- an additional $7 million for pregnancy prevention and other health services for the estimated 82,000 adolescents previously not reached by State maternal and child health programs;
- an increase of $2 million to expand the Center for Disease Control's health education projects for adolescents, specifically family life and sex education programs for adolescents; and

- an additional $21 million for NICHD research in fertility, contraception, and fetal health, along with additional efforts to improve family life and sex education methods.

62. Proposed new legislation includes:

- the Adolescent Health, Services, and Pregnancy Prevention and Care Act of 1978, which would provide certain critical services currently unavailable in many communities and mandate better coordination of existing Federal programs involved in the prevention of pregnancy-related problems among teenagers;
- an estimated $18 million to extend Medicaid eligibility to 15,000 to 20,000 low-income adolescents for family planning and pregnancy services.

PART III—CONTRACEPTION

Meeting the contraceptive needs of Americans

63. Increased understanding of basic human reproductive biology—particularly female reproductive biology—has resulted in a "contraceptive revolution" over the past fifteen years. Advances in contraceptive technology have enabled many more Americans to control their fertility. Virtually all of these advances have involved contraceptives for women.

64. More and more Americans have come to appreciate contraception as a preventive health measure. However, there is growing concern about tradeoffs between convenience and effectiveness on the one hand and safety on the other. Potential health hazards associated with the most highly effective contraceptives—the pills and IUDs—have discouraged increasing numbers of adult women and adolescents from using them.

65. Despite the "contraceptive revolution," many American men and women—in particular, adolescent males and females, new mothers, and women over 35 years of age—still do not have effective practical, safe, and acceptable means of fertility regulation. More research clearly is necessary both to develop new methods and to improve the acceptability of existing techniques.

Research in reproduction and contraceptive development

66. As of 1976, there were 176 groups in the United States engaged in reproductive studies. Only 29 of these included as many as five to ten full-time scientific investigators plus support staff devoting their principal attention to the field.

67. Between 1970 and 1974, approximately 600 U.S. scientists were trained in various fields of reproductive science, many with the support of training grants, fellowships, and research career awards from the Center for Population Research at NICHD.

68. Despite early expectations regarding its primary role in applied contraceptive research and development, the pharmaceutical industry's involvement has, in fact, declined over the past decade both in terms of the exploration of new leads and of funding levels for ongoing research. Only five U.S. pharmaceutical firms reported expenditures of at least $1 million on contraceptive research during 1974, and

four planned to increase their expenditures in this area by 1980.
Several factors impeded an expanded commitment by private in-
y to contraceptive research and development:

a relative lack of new basic scientific knowledge generating
asible research leads;

general business conditions, including inflation and limitations
n multinational trade;

shortening of the effective patent life of new agents, due to
ngthier and more stringent approval standards;

product liability, which has grown sharply as a potential busi-
ss risk; and

attacks on the pharmaceutical industry by special interest
roups.

Over the past eight years, publicly supported programs have
stablished to supplement private industry efforts in applied con-
tive research. Studies are conducted either by the private orga-
ons themselves or in collaboration with pharmaceutical firms.
nternational Committee for Contraception Research (ICCR),
ished in 1971 by the Population Council, and the World Health
ization's (WHO) Special Programme in Human Reproduction
o such public sector programs.

Over the past decade, the Federal Government has played a pri-
role in the fields of reproductive science and contraceptive devel-
nt. Federal support for contraceptive research has several
s, the two most important of which are the Center for Popula-
Research (CPR) at the National Institute of Child Health and
n Development (NICHD), and the Office of Population within
gency for International Development (AID) of the Department
ate.

Extramural research (conducted by others under NICHD
s or contracts) is sponsored by both CPR and the Cen-
r Research on Mothers and Children (CRMC). Although in the-
nding for these two centers comes from two separate sources—
X for CPR and the general NIH budget allocation for CRMC—
ctice the relative allocation of funds to these two centers is made
Office of the Director of NICHD. For several years, 60 percent
ramural funds were allocated to CRMC and the remainder to
In the President's budget request for Fiscal Year 1979, however,
ICHD Director requested a 50/50 division of funds between the
enters.

During 1977, the AID Office of Population allocated $9.4 mil-
or extramural contraceptive development projects both in the
d States and abroad.

The Endocrinology and Reproduction Research Branch
B) is the only NICHD branch with an ongoing interest in
ural research in the reproductive sciences (that is, research done
ly by NICHD); other laboratories and branches are primarily
ned with basic biological processes. In FY 1978, the Director of
D devoted approximately 36 percent of the total intramural
for studies conducted within ERRB.

NICHD's own research work is located at nine different facili-
the Washington, D.C. area. At present, NICHD is the only
the eleven National Institutes of Health that does not have its

own intramural facilities. Requests for funding of an intramural research building have yet to receive approval of the Congress and the Executive Branch.

76. Because of its long-standing support for reproductive and contraceptive research, the Federal Government has assumed primary responsibility for the establishment of policies and procedures for the conduct of research and development. The regulations that most affect the contraceptive research effort in the United States are:

- requirements for the approval of new contraceptives;
- requirements for the labeling and package inserts of marketed contraceptives; and
- regulations concerning the patenting of new contraceptive agents.

77. There is general consensus that no truly new contraceptives will become available for at least five—and more likely ten to fifteen—years. Though the outlook for totally new contraceptive technology is not good, productive research is being conducted on the modification and improvement of existing methods. Some of the more promising current leads in contraceptive improvement include: vaginal rings, biodegradable implants, nasal sprays, prostaglandins, contraceptive vaccines, vaginal sponges, and improved technologies for both male and female sterilizations.

RECOMMENDATIONS

PART I—DOMESTIC FERTILITY BEHAVIOR AND CONTRACEPTIVE SERVICES

Program administration and funding

1. *All further expansion of the Federal role in family planning should take place under Title X of the Public Health Service Act and be administered by DHEW's Office of Family Planning.* This action will help remedy the past lack of coordination, especially with regard to State formula funds under other titles, and give DHEW greater ability to monitor and direct service providers through categorical programs.

2. *Congress should expand substantially funding for family planning services under Title X of the Public Health Services Act.* The Administration proposed a $10 million increase for this program in Fiscal Year 1979, barely enough to cover inflation. The Select Committee endorses the actions taken by the House and Senate Health Subcommittees, which have recommended a $65 million increase in the authorization for this important and cost-effective program.

On October 14, 1978, both Houses of Congress adopted a final authorization for Title X that earmarked $203.8 million for family planning services—a $69 million increase over fiscal year 1978. However, appropriation of funds for family planning is still pending. The President's January Budget Message will include a recommendation for family planning funding during fiscal year 1979, and Congress will probably act on a supplemental appropriation measure for this and other health programs in Spring 1979. The Select Committee strongly urges appropriation of the full amount authorized for this important program.

gram strategies

DHEW should make a more substantial commitment to providing
rtility services for all who cannot obtain them for themselves.
h services should not compete for funds with pregnancy preven-
services.

amending Title X, Congress gave, for the first time, specific
utory recognition to the problem of infertility and the urgent
for infertility services for about a million American couples
are unable to achieve their family size goals.

DHEW should prepare and widely distribute public service
ages concerning the availability of family planning and its medi-
nd socioeconomic advantages, as well as the availability of infer-
y services.

The Office of Family Planning should expand the training of
e practitioners and encourage States to remove legal barriers to
ffective utilization of such personnel in family planning counsel-
nd services.

DHEW should devote more resources to the urgent need for con-
ptive services among rural women.

DHEW should increase emphasis on the provision of male con-
eptive services, support out-reach activities to attract males to
e services, and involve men more actively in the family planning
ionmaking process.

arch needs

DHEW should evaluate the role of private physicians in the pro-
n of family planning services and the relative cost-effectiveness
sing the private sector to serve more low-income clients.

DHEW should attempt to determine the unmet demand for sub-
ed infertility services, voluntary sterilizations, and counseling in
dic abstinence methods.

DHEW should monitor and evaluate the effect of its recent steril-
on regulations to protect individuals from undergoing this proce-
without careful consideration, with the goal of ensuring that
regulations do not hinder voluntary and informed access to this
edure.

A substantial increase in funds ($4.5 million, up from $2 million)
ld be made available to the Department of Health, Education,
Welfare for program evaluation of family planning programs.
e of these funds should be used for basic evaluation, some for tech-
assistance to grantees and some for the study of problems of par-
ar interest to service providers.

A substantial increase in funds ($105 million, up from $65.3
on) should be made available to the Center for Population
arch through Title X appropriations. The CPR currently allo-
only about one-quarter of Title X funds for social science
rch, with most of the remainder allocated to biomedical research.

October 14, 1979, Congress authorized the full $105 million
he Center for Population Research. However, appropriation
ese funds awaits action on a supplemental appropriations
in 1979.

e Select Committee strongly urges that the Center reassess the
nt allocation of research funds with a view toward funding a

higher proportion of approved grants in the social sciences. Reaching the almost 4 million unserved women and teenagers at risk of pregnancy is as much a problem of motivation and acceptability of contraception as it is a question of contraceptive technology.

13. *Clearance of population research contracts by the Office of Management and Budget (OMB) should be eliminated to expedite, improve, and encourage such research.*

14. *The DHEW interpretation of the mandate of the Center for Population Research should be expanded to include all aspects of population dynamics, including the impact of mortality and migration as well as fertility.* Support for extramural research projects should reflect that expanded interpretation.

15. *In accordance with the professional judgment of the Scientific Director of the Intramural Research Program at the NICHD, in-house research in the behavorial sciences should be expanded considerably.* This expansion might include the establishment of a Demographic Research Branch which would conduct research in the social sciences on topics relevant to current issues involving population change and distribution. Staffing of this branch might include four highly qualified demographers and appropriate support staff.

16. *A study should be undertaken by the appropriate governmental agency to determine:*

(a) *the quality, competence, and numbers of professionals now available to participate in population research;*

(b) *the present employment opportunities for those professionals; and*

(c) *the future needs and prospects for professionals in this field.*

This information would be useful in allocating a proportion of Federal research funds to training new professionals in population research.

PART II—ADOLESCENT FERTILITY

Trends in adolescent fertility

17. *The Federal Government should support comprehensive health and social programs for pregnant teenagers.* Teenage childbearing is accompanied by serious health and social consequences for both the young women and their children. Effective comprehensive programs would coordinate services and help prevent some of the undesirable consequences of young motherhood.

18. *Efforts should be made to strengthen existing teenage marriages.* Given the high rates of teenage unemployment, low educational levels, and emotional immaturity of many married teenagers, many of these unions currently end in divorce. Programs designed to alleviate the adverse social, economic and psychological effects of early childbearing should include at those adolescent couples who have decided to marry.

19. *Social science research on the causes and consequences of adolescent pregnancy and sexuality should be expanded.* We need better evaluations of comprehensive programs for young mothers and their children and more knowledge about policy alternatives for reducing the adverse social and economic effects of early childbearing.

20. *In order that research on adolescent pregnancy be conducted more efficiently, the Center for Population Research (CPR) of the National Institute of Child Health and Human Development*

(NICHD) should develop a systematic program to collect data from existing studies, generate additional relevant data, and provide those data to all interested analysts and policymakers.

21. *Studies should be undertaken by DHEW to determine if oral contraceptive use is particularly hazardous for young teenage girls.* Currently, there are no definitive studies on the safety of oral contraceptives for young developing adolescents.

22. *The CPR and appropriate non-governmental organizations should assign high priority to the development of contraceptives appropriate to the specific needs of adolescents.*

23. *More attention should be given to the male role in the reproduc- ive process.* Males have generally been neglected—and sometimes otally ignored—by both researchers and service providers. More re- earch should examine the trends of sexual activity and contraceptive se among male teenagers and the economic and social consequences f early fatherhood.

amily life and sex education

24. *The Federal Government should encourage the development of ffective programs in family life and sex education.* While Federal ntervention in State and local decisions concerning family life and ex education is not warranted, the development of model programs hat could be adapted to the needs of individual communities—coupled ith technical assistance and the development of resource materials, aining, and evaluation—will provide useful assistance for local im- lementation of family life and sex education.

The Adolescent Health, Services, Pregnancy Prevention and are Act enacted in October 1978 mandates family life and sex ducation as a "core" service to be provided by all grantees under e act. The Select Committee urges DHEW to exploit fully e opportunities for developing and evaluating curricula af- orded by this enactment.

25. *Programs in family life and sex education should include the tire range of social, emotional, psychological, moral, and ethical pects of sexual behavior, as well as the use, risks, effectiveness, legal atus, and social and emotional consequences of all contraceptive ethods.*

26. *Programs should be developed to assist parents in educating eir children and to allow parents to contribute to the development of hool or community family life and sex education courses.* Although any parents lack the information or confidence to discuss sexual mat- s adequately with their children, they have a legitimate interest in icially sanctioned discussions of these matters that may occur out- le of the home.

27. *The Federal Government should support family life and sex ucation efforts sponsored by private community organizations and igious groups, as well as programs in public schools.* Many of these orts currently receive minimal, if any, government funding.

28. *Efforts should be made to develop programs that are particularly ted to the needs of young teenage males.* Adequate consideration of se needs should involve curriculum research and demonstration ojects under the Special Projects Act, Title IV–C of the Elementary d Secondary Education Act.

29. *The Federal Government should support the development of training programs for family life and sex education teachers.* Such programs could be funded through the Special Education Act to increase the number and quality of family life and sex education instructors.

30. *Medical school curricula should include courses on the physical and emotional aspects of sex and sexuality.* Because of the unique role of physicians in community education, the development of appropriate curricula and resource materials should be encouraged in medical schools throughout the country and in continuing medical education courses.

31. *Further social science research should be conducted in areas such as:*

(a) *the cognitive and psychoolgical development of children, in order to design programs suited to their educational needs;*

(b) *the development of techniques for the measurement of knowledge, attitudes, and behavior among teenagers;* and

(c) *more definitive assessment of the effects, of family life and sex education on adolescents' knowledge and the effects of that knowledge on sexual and contraceptive behavior.*

32. *Additional support for program evaluation is also needed to identify program components and methods that best achieve stated goals in family life and sex education.*

33. *The Federal Government should place coordination responsibility for family life and sex education in a single unit, such as the Office of the Deputy Assistant Secretary for Population Affairs (DASPA) at DHEW.* Thus far, funding in this area has been administered through a variety of Federal grant and contract programs with other basic priorities; coordination of these fragmented efforts would improve accountability and effectiveness.

Services for adolescents

34. *Title X funding should be increased in order to expand the existing clinic system.* Greater availability of family planning services in general—through increases in both the number of service sites and site capacities—will be instrumental in reaching those adolescent girls at risk of unwanted pregnancy who currently do not have access to family planning services.

The Select Committee recommends that Congress appropriate the full amount currently authorized for family planning—$203.8 million.

35. *Fundamental changes in service delivery strategies should be made in order to reach the unserved population in need.* Even where family planning services are available, it cannot be assumed that young people—even when motivated—will use them as they are currently provided. Reevaluation of current family planning service delivery should focus on:

(a) characteristics of typical family planning programs which constitute "barriers" to access on the part of many adolescents;

(b) legal impediments to the provision of services to minors in many places; and

(c) factors not related to specific service delivery procedures or policies which contribute to the lack of motivation among many teenagers to utilize available services.

36. *The Federal Government should increase support for non-*
raditional approaches to providing family planning services for
dolescents, including comprehensive teenage centers and new ways of
istributing contraceptives. While efforts to make existing family plan-
ing clinics more acceptable to teenagers are needed, alternatives to
linics— such as the use of vending machines for condoms and sper-
nicidal foam—also deserve attention through funding and evaluation.

37. *Special efforts should be made to provide family planning serv-*
es and information to young boys. Most of the current family plan-
ing programs focus almost exclusively on services for females.

38. *The Federal Government should continue to support the provi-*
on of comprehensive services to pregnant adolescents. Further re-
arch is needed to determine the actual extent of the need for preg-
ancy-related services, the impact of comprehensive services on the
edical and social problems associated with adolescent pregnancy, and
e costs of successful programs.

39. *The organization and management of federally supported serv-*
s for pregnant teenagers and their children should be reevaluated.
hile coordination within DHEW of the currently scattered programs
ould appear to be useful, integration of services alone may not reduce
e negative health and social consequences of adolescent pregnancy.

40. *At least $35 million of the new authorization for family plan-*
g for fiscal year 1979 should be earmarked for family planning
vices for teenagers. This amount would provide additional services
about 370,000 adolescents, nearly one fourth of the estimated num-
of sexually active adolescents still in need.

1. *Funding for developing family life and sex education programs*
ough the Center for Disease Control should be increased to $10
lion for fiscal year 1979.

administration's proposals

2. *Several changes in the Adolescent Health, Services, and Preg-*
cy Prevention and Care Act of 1978 should be made to improve
potential effectiveness of the legislation:

(a) more specific guidelines for the evaluation of funded programs should be provided;

(b) research under the Act should be exempt from the office of Management and Budget clearance process to avoid the unnecessary delays associated with the questionnaire approval in the past. Internal review procedures, which already exist, should be maintained; and

(c) the Deputy Assistant Secretary for Population Affairs (DASPA) within DHEW should be given responsibility for coordinating implementation of the proposed Adolescent Health, Services, and Pregnancy Prevention and Care Act of 1978 with other existing reproductive health programs.

is recommendation is now the intent of Congress as ex-
sed in the portions of the conference report discussing the
escent Pregnancy provisions of S. 2474.

PART III—CONTRACEPTION

Meeting the contraceptive needs of Americans

43. *Contraceptive researchers should continue to make the safety of American women and men their first priority.* There is growing concern that the risks associated with certain contraceptive methods—the hormonal agents and intrauterine devices in particular—may not be reasonable in comparison to the benefits. Efforts should be made to improve the safety of these most effective methods and to improve the efficacy and acceptability of methods that are not known to be associated with hazardous side effects, such as the barrier and periodic abstinence methods.

44. *A broader range of acceptable methods of contraception for males should be an important focus of investigation.* The "contraceptive revolution," while providing many more couples with effective means of fertility regulation, also has made women disproportionately responsible for contraceptive use.

45. *Further effort should be made to investigate more acceptable methods of fertility regulation for adolescent males and females, for postpartum women (women who have just completed childbirth), and for women over 35 years of age.* Applied research to find such methods should focus on the adaptation of existing technologies as well as the development of new techniques.

46. *More research should be done to explore the possibilities for reversible voluntary sterilization procedures.* Many experts believe that reversibility would greatly increase the demand for this method of contraception among both males and females.

47. *Attention should be given to the possibility of developing contraceptive methods that do not require assistance from physicians or nurses.* Such methods would benefit many Americans, in terms of convenience, acceptability and cost.

48. *Measures should be taken to increase the acceptability of the current array of contraceptives for American men and women, especially teenagers*, given the general consensus that research efforts will not lead to any major breakthroughs in contraceptive technology for at least another five years. Such measures might include:

(a) further research on motivation and acceptability;

(b) further research to improve the ways to provide family planning services;

(c) further research on the relative risks and benefits of existing methods;

(d) improved dissemination of knowledge through mass education programs and package labeling for consumers and physicians to ensure informed use of contraceptives; and

(e) better training for family planning counselors and family planning services personnel, recognizing the importance of adequate instruction and counseling for the effective use of any contraceptive method.

Research in reproduction and contraceptive development

49. *The Federal commitment to fundamental research in the reproductive sciences should be clearly affirmed through stable, long-term support for programs such as those conducted at the Population Research Centers.* Lack of fundamental knowledge has been cited as the factor most responsible for the absence of new breakthroughs in con-

raceptive technology, and opportunities are currently limited for
esearch careers in the sciences relevant to reproduction and popula-
ion dynamics.

50. *The Federal Government should study ways of encouraging
articipation of the pharmaceutical industry in contraceptive research
nd development.* Federally supported incentives might include:

(a) revision of patent policy, so that the patent life of a new contraceptive agent could effectively begin at the time of approval by the FDA for marketing;

(b) legislation designed to limit or control abuse of the concept of product liability;

(c) opportunities for pharmaceutical companies to apply for Federal support for the long-term toxicity studies and the clinical work required for FDA approval of new contraceptive technology;

(d) provisions permitting phased or conditional approval for marketing, so that a new contraceptive agent could be made available to a limited, specified patient group prior to general marketing.

51. *The Federal Government should study ways of promoting
eater involvement in contraceptive research and development by
blic sector agencies.*. Current Federal contracts and grants with such
ganizations provide little incentive for them to participate in devel-
ment of contraceptive products.

52. *The NICHD should develop a new system for determining Fed-
al priorities and policies in the field of reproductive and contracep-
e research.* Such a system should elicit opinions and advice from a
de range of sources, including consumers and representatives of the
entific community.

53. *Efforts should be made within the NICHD to include more
ghly qualified women scientists at all levels of both extramural and
house contraceptive research and development, since the majority of
t research focuses on contraceptive technology for women.*

54. *The Congress should appropriate $37 million to construct an in-
se (intramural) research facility for the National Institute of Child
alth and Human Development and provide NICHD with the fund-
necessary to give appropriate emphasis to contraceptive research.*

**n October 12, 1978, Congress appropriated $37 million for such
intramural research facility for the National Institute for
ild Health and Human Development.**

ISSUES WARRANTING FURTHER INQUIRY

. On September 29, 1978, Administration legislation to establish
ew social welfare program for pregnant teenagers was enacted
the Senate, and on October 15, it was accepted by the House in
ference. The Adolescent Health, Services, Pregnancy Prevention
Care Act of 1978 proposes to fund organizations which can pro-
e preventive and other services for adolescents who have never
pregnant and for adolescents who face tragic crises in their lives
ght on by unplanned pregnancy.

ue to the press of legislative business, the House was constrained
ccept the bill without an opportunity for markup or full delibera-
. Accordingly, the appropriate House Committee(s) should hold

hearings in 1979 to review the Administration's plans for this vital new program.

2. Family life and sex education programs, which have received very little attention from Congress, could make a major contribution to the solution of teenage pregnancy problems. Congress should review alternative approaches to family life and sex education, community involvement, and program evaluation.

3. Appropriate contraceptive methods for young adults also warrant investigation. For example, there is evidence that oral contraceptives may not be advisable for those young adolescents who are still in the process of physical maturation. Other issues are: What are the best contraceptive methods for this population group? Is research moving forward in this area? How can young males be encouraged to assume increased responsibility?

4. Approximately one million couples in the United States are unable to have the children they desire because they are infertile or subfecund. DHEW only recently has begun to fund infertility pilot projects. Appropriate Committees of the House should investigate the nature and extent of the infertility problem in this country and ascertain how proper medical treatment could help alleviate the problem, whether increased funds in Title X or other programs are an appropriate response, and what obstacles face infertile couples who have decided to adopt a child.

5. DHEW is proposing new guidelines for the funding of organizations providing voluntary sterilization services. These regulations would require, among other things, a thirty-day waiting period between the signing of an informed consent statement and the actual operation—a measure intended to discourage abuse.

However, it has been suggested that the waiting period may expose some women to increased health risks. Because DHEW has apparently made no plans to evaluate the positive and negative impacts of these new regulations, they deserve close professional and public scrutiny.

6. The Administration is alleged to have given insufficient priority to the funding of programs which provide counseling on periodic abstinence or natural family planning methods. Knowledge of her natural cycle and of the possible advantages of natural family planning methods should be available to every woman. The accessibility of these methods to the American public, as well as the degree of unmet demand for counseling and services in this area, should be determined definitively.

7. Some critics contend that the complexities entailed in the organization of family planning programs within DHEW have caused confusion and perhaps less than optimal investment of scarce resources. Of particular interest is the formula-grant mechanism used in the allocation of a proportion of DHEW family planning funds under Titles V and XX of the Social Security Act. Some of the issues are: What accounting procedures are used by DHEW grantees under these titles? How can one be certain the organizations claiming to provide family planning services under Title V and XX of the Social Security Act actually provide these services? These and other questions require clarification.

III. LEGAL AND ILLEGAL IMMIGRATION TO THE UNITED STATES

FINDINGS

The rate of population growth in the United States, as in other nations, depends on the interaction of three factors—fertility, mortality, and migration. Due to our current low birth rates, immigration to the United States has become an increasingly important factor in our population growth. Although the Government collects timely and accurate data on birth and deaths, there is an egregious lack of data on persons who move to the United States from other countries.

First, there is little precise knowledge about the size and characteristics of the legal immigrant population in the U.S. The annual alien registration reports are incomplete, and the data from them are not utilized effectively by the Immigration and Naturalization Service (INS). In addition, current exit control procedures yield little or no information on legal immigrants who leave the United States permanently or temporarily.

Second, even less is known about the number and characteristics of the illegal aliens in our population. Hence it is very difficult at present to assess the impact of legal and illegal movement to the United States. Indeed, immigration issues are clouded by faulty data and inflamed passions—not a good combination for rational policymaking.

Despite these limitations, certain facts about immigration can be cited with a fair degree of confidence. Evidence presented at hearings of the Select Committee on Population and obtained from literature available in the immigration field can be summarized as follows:

1. No one knows what the impact of immigration will be on the change in the size and composition of the United States population. We do not know:
    - how many *legal* immigrants entered the U.S. labor market in various occupations;
    - how many *illegal* migrants enter the U.S. labor market in various occupations;
    - the length of stay of either legal or illegal migrants, that is, how many return to their native land and how many remain here permanently;
    - the age/sex structure of the illegal population; nor
    - how many persons emigrate from the United States.
2. Since 1965, there has been a significant change in the sources of gal immigrants to the U.S. Currently, approximately 87 percent of r legal immigrants are non-European, representing a fundamental ift from the pre-1965 situation.
3. The Census Bureau estimates that *net* legal immigration to the United States is between 324,000 and 425,000 annually.

4. About five percent of the legal U.S. population is foreign-born, compared to 13 percent in 1920. The percentage that is foreign-born will increase if current immigration and fertility rates remain as they are.

5. Currently the U.S. population is growing relatively slowly (at a rate probably less than 1.0 percent per year), and 25–50 percent of this is attributable to legal and illegal immigration. If current low U.S. fertility rates continue, eventually all U.S. population growth will be attributable to immigration—mostly illegal, assuming continuation of present inadequate border controls.

6. Each year, the United States accepts more legal immigrants than any other country in the world.

7. More than half of all permanent resident aliens in the United States live in four States—California, New York, Texas and Florida.

8. The "safety valve" of emigration to the United States, which helped relieve population pressures during the era of moderate population growth in Europe, is not a realistic option for the rapidly expanding population of the Third World.

9. Overall, foreign-born women in the United States have lower fertility rates than native-born women. However Mexican-Americans have higher fertility than native-born Americans. Their higher fertility seems to be correlated in part with their lower socioeconomic status.

10. Partly because of the clandestine nature of illegal entry to the United States, no reliable figures are available for the number of illegal aliens in our country. Estimates range between 2 and 12 million, although there seems to be an emerging consensus among some immigration experts that the number in this country at any one time is between 3 and 6 million, approximately 60 percent of whom are Mexican.

11. There is considerable evidence of two-way movement across the U.S.-Mexican border, reflecting a pattern of periodic, temporary migration between the United States and Mexico.

12. Legal immigrants to the United States are more likely to make use of tax-supported social service programs than illegal immigrants. The latter apparently make little use of public assistance programs, but somewhat more use of medical and educational facilities. Overall, there is some evidence that illegal aliens are more likely to pay taxes than they are to receive the benefits of government supported facilities and services. Welfare does not appear to act as the magnet which draws immigrants from other countries to the United States.

13. Those countries contributing the highest number of *legal* immigrants—Mexico, the Philippines, South Korea, Cuba, and the Republic of China (Taiwan)—also appear to contribute the highest number of *illegal* migrants to the United States.

14. About 40 percent of illegal aliens in the United States, slightly more than half of whom are female, are believed to be visa-abusers, that is, immigrants who enter the United States legally on either tourist or student visas but then overstay their visas and melt into the immigrant community. About half of the visa-abusers of both sexes from the Western Hemisphere are married. On the average, visa-abusers have more children in American schools and generally support fewer people in their countries of origin than the illegal immigrants who surreptitiously enter without inspection (EWI's).

15. The data collection and processing system at the Immigration
d Naturalization Service (INS) is archaic and woefully inadequate.
oreover, until last year, the INS had no funds whatever allocated
r research.

16. Coordination among Federal agencies is almost totally absent in
e design, collection, analysis, and use of immigration statistics.

17. The present pattern of employment of Mexican nationals in the
ited States constitutes one of the largest *de facto* temporary worker
ograms in the world.

18. Legal immigrants tend to be better educated, somewhat older as a
oup, and more heterogeneous than illegal migrants, insofar as we
ow about the latter group.

19. In 1977, the Immigration and Naturalization Service made more
an one million apprehensions of illegal aliens in the United States.
spite the large number of apprehensions, present border enforcement
argely ineffective.

20. Relative economic disparity between sending countries and the
ited States is one of the major "push-pull" factors contributing to
egal immigration. These disparities will continue and in all likeli-
od grow in the foreseeable future. Hence the "engine" driving illegal
migration will not cease to operate, and it may be expected to acceler-
e considerably in the coming decades.

21. There is no clear evidence of the impact of illegal immigration on
e labor force. Some believe the illegal immigrants displace native
rkers in the labor market, while others contend that the amount of
placement is negligible or that illegal immigrants actually create
ployment for citizens and legal immigrants.

Some analysts believe that illegal immigrants from poor countries
e willing to work for very low wages and are unlikely to join unions,
ereby depressing wages for U.S. citizens and legal resident aliens.
hers believe that depressed wages and working conditions in the
skilled labor sector are the cause of the influx of illegal immigrants
her than the result of this flow.

22. The labor certification system, established to protect domestic
rkers from the competition of foreigners seeking to work in the
ited States, is inffective. The Select Committee was surprised to
rn that in 1976, only six percent of legal immigrants to the United
ates required labor certification. The other 94 percent entered with-
t any form of labor certification under various preferences allowed
current immigration law.

RECOMMENDATIONS

1. *We urge a comprehensive review of the Immigration and Na-*
nality Act of 1965 and its attendant administrative procedures
that U.S. immigration law can be made enforceable, equitable,
d flexible. A complete examination of the premises upon which
law is based—the reunification of families, asylum for political
ugees, and the protection of the U.S. labor force—is long overdue.
erefore, the Select Committee on Population urges prompt enact-
nt of H.R. 12443, creating a Select Commission on Immigration
undertake this review.

H.R. 12443, creating a Select Commission on Immigration, was enacted by the 95th Congress and became Public Law 95–412.

2. Although present immigration law provides that no one, can be admitted as an immigrant, who is likely to become a public charge, Federal and State welfare and other funds have been widely used to support newly-arrived immigrants. Therefore, for the purposes of the Immigration and Nationality Act, *any individual who, within five years of entry, receives benefits from Federal or State public assistance programs for conditions existing before entry to the United States should be considered a "public charge" and subject to deportation, without regard to whether the alien is liable to repay these benefits or whether any demand is made for repayment.*

3. Affidavits of support signed by U.S. sponsors of immigrants are presently held to be only morally binding documents and legally unenforceable. *The Select Committee on Population urges enactment of legislation to make these affidavits legally binding financial obligations.*

4. Some local governments are attempting to cut costs by reducing the availability of social services to the children of illegal immigrants. Denial of educational opportunity and proper medical care to children of immigrants will only serve to perpetuate an underclass in the United States, create disproportionately large future costs to society, and result in a generation of young adults who have grown up without adequate health care or basic educational skills. *Congress should ensure that such children are not denied educational opportunities and proper medical care by reimbursing States and cities for educational and health care costs for children of illegal immigrants.*

5. *The purposes of bi-lingual education programs should be clarified to assure that students in these programs are integrated into the mainstream of American society and not further separated and isolated.*

6. Stricter U.S.-Mexico border enforcement should receive the highest priority. *The Select Committee on Population supports budget increases for additional personnel for U.S.-Mexico border enforcement as well as increases in the INS investigative staff. A concerted effort should be directed toward smugglers of illegal aliens (individuals and organized rings) and those who encourage surreptitious entry of illegal aliens by:*

(a) *Enactment of H.R. 11581, which would give the INS the right to seize and dispose of vehicles used to smuggle persons into the United States;*

(b) *Establishing a Fraudulent Documents Laboratory in the INS to augment its enforcement responsibilities; and*

(c) *Returning to Mexico for incarceration those Mexican nationals convicted of a crime in the United States.*

Funds for the Immigration and Naturalization Service for fiscal year 1979, appropriated by the 95th Congress in Public Law 95–431, were increased $16,263,000 from the fiscal year 1978 level—to $299,350,000 from $283,087,000.

Although H.R. 11581 was not enacted by the 95th Congress, similar provisions of S. 3093 were embodied in another measure by the House and enacted to become Public Law 95–582.

7. In order that the executive branch and Congress have more accu-
ate data on the size and characteristics of the immigrant population,
he *Select Committee on Population recommends that:*

(a) *The Bureau of the Census be directed to enumerate and characterize immigrants in the United States;*

(b) *Techniques of indirect estimation be developed where direct enumeration is not possible;*

(c) *The Current Population Survey be used to collect more extensive immigration data;*

(d) *Increased cooperation between the INS and the Census Bureau be facilitated; and*

(e) *A joint INS-Census task force collect information about immigration so that migration patterns and the changing characteristics of immigrants to the United States can be identified and analyzed.*

8. Immigration research is severely limited by a deficient data base.
he Select Committee on Population recommends:

(a) *Automation of all data storage and retrieval processes at the INS and simplification of many forms now employed by the INS;*

(b) *Upgrading the INS data collection and research capacity;*

(c) *Recruitment by INS of full complement of personnel with statistical analytical capabilities;*

(d) *Improvement of coverage of the Alien Address Reporting System so that it can be employed more effectively; and*

(e) *Revision of published tabulations and reports to facilitate their further analysis and use by other organizations and individuals.*

9. *The Select Committee on Population recommends expenditure*
up to $10 million earmarked for research on the dimensions and
pact of immigration to the United States and the development of
curate data on legal and illegal immigrants. These funds would be
located among the Justice Department (INS), the Bureau of the
nsus, the Department of State, the Department of Labor and par-
ularly the Center for Population Research of the National Institute
r Child Health and Human Development, and the Social Security
dministration of the Department of Health, Education, and Welfare.
e Center for Population Research is the "lead agency" responsi-
for population research, and thus, it should ensure that immigra-
n research be undertaken. This research should emphasize the im-
ct of legal and illegal immigration on the food stamp, Aid to
milies with Dependent Children, public assistance, unemployment
urance, Medicaid, Medicare and public housing programs.

10. To reduce the incidence of visa abuse by so-called students,
rists, and businessmen, *the Department of State should work with*
Department of Justice to:

(a) *Create a more effective system for screening applications for nonimmigrant visas, comparable to but not as stringent as the system employed in issuing immigrant visas;*

(b) *Evaluate the system of annotating visas for Puerto Rico only;*

(c) *Standardize data collection and processing systems to facilitate pinpointing of potential sources of visa-abuse.*

11. Because of the inadequate data base available for the formulation of immigration-related policy, *the Select Committee sees a clear need for an intensive expert evaluation of Federal capacities in the area of immigration data and analysis.*

(a) *A Panel on Immigration Data and Analysis should be established within the Committee on National Statistics of the National Academy of Sciences to study the current state of immigration data and means of improving the data base. The Select Committee recommends expenditure of approximately $300,000 for the creation of this panel.*

(b) *The Office of Federal Statistical Policy and Standards should oversee implementation of recommendations of the NAS panel and the Inter-Agency Committee on Population Research should take the lead in coordinating immigration-related research.*

12. *The Select Committee on Population recognizes the need for a complete overhaul of the system of labor certification.*

13. *The Select Committee on Population recommends study of the possibility of instituting an expanded legal guest worker program in the United States in order to exert more control over the present illegal flow of foreign workers and to provide for any possible future dearth of workers resulting from the "baby bust" that followed the postwar "baby boom."*

14. The long term solution to the problem of illegal immigration requires an attack on the system of economic imbalance that now pervades the least developed countries of the world, particularly those of the Caribbean Basin. *Foreign assistance emphasizing the high priority need for maternal/child health programs with strong family planning components and the creation of labor-intensive industries in rural areas and in small and medium-sized villages and towns will help somewhat to raise the standard of living in sending countries.* This two-fold attack will increase motivation to have smaller families and provide the means for couples to do so, thereby reducing the number of future migrants seeking to enter the United States illegally.

15. The United States has a unique relationship with Mexico: Our 1,950-mile shared border is the only place in the world where a developed country and a developing country with a long and unfortified land border are side by side. This unique geographical relationship justifies creating unique financial, trade, and tariff relationships. Attempts to encourage the economic development of Mexico will have little effect unless the United States opens its markets to the goods produced by Mexican farms and factories. In the long run, we will either receive the agricultural and manufactured goods produced by Mexico or receive its "surplus" population. We cannot and should not reject both. Therefore, the *Select Committee on Population recommends that the United States grant generous agricultural and trade concessions to the Government of Mexico as part of a comprehensive, mutually advantageous solution to the many and varied problems arising between the two countries.*

16. Severe population pressures in sending countries contribute to the "push" factor in the migration equation and hence to illegal immigration to the United States. *The United States should make renewed efforts to help those countries reach their fertility reduction*

and to achieve their family planning and population objectives.
e long run, this is the only way that living standards in the devel-
g world can be improved to tolerable levels.

Issues Warranting Further Inquiry

Various departments, agencies, and bureaus of the Federal Gov-
ent produce migration-related data. For example, the Census
au develops immigration data as an end-product, while the Visa-
nce Office of the State Department produces immigration data as
product. These data subsequently are employed as a basis for pol-
and programs dealing with the U.S. labor force, housing, revenue
ng, reapportionment, the location of military and other Federal
cts, and many other activities affecting the welfare of individuals.
ite their importance, the underlying statistical data are often
nplete, difficult to analyze, and not always comparable with other

Select Committee on Population recommended that the Commit-
National Statistics of the National Academy of Sciences (NAS)
a panel to investigate Federal immigration data-gathering and
dissemination. The pros and cons of this proposal and the various
and political impediments that could hamper implementation of
ndings of such a panel deserve the attention of the Congress.
w of the issues should focus on the data capabilities and perform-
of the Immigration and Naturalization Services, the State De-
ent, and the Census Bureau, and the degree of cooperation
g these agencies.

he cost and benefits of in-migration and out-migration to local
unities should be investigated, with equal attention given to the
nent of citizens and of legal or illegal aliens. Of paramount im-
ce are such central issues as:

- How can internal and international migration be factored into
cal population estimates for such purposes as revenue sharing?
- Are there any useful statistical models for the assessment of
igration impacts?
- What are some of the costs and benefits of illegal
nmigration?
- How might the costs of internal and international migration
borne at the Federal, State and local levels? Who should bear
ese costs?

he factors that encourage Mexicans to enter the United States
ly should be examined by Congress more closely than before.
factors include both "push" factors, such as extensive unem-
ent in Mexico, and "pull" factors, such as the perceived possi-
of relatively highly paid employment in the United States. The
purpose of such a review would be to facilitate development of
prehensive set of measures dealing with illegal immigration to
ited States from Mexico. This review could also assess alterna-
ays of stemming illegal immigration from Mexico and other
through, for example, effective population and development
nce—raising the standard of living and thereby reducing "push"
—or measures to reduce the availability of employment for
aliens and thereby reducing "pull" factors.

4. The adequacy of the State Department's visa procedures and the Immigration and Naturalization Service's border inspection policies needs to be investigated. Indeed, the nature and extent of cooperation between the State Department and INS with respect to the issuance of visas and the admission into the United States of prospective immigrants and nonimmigrants deserve the sustained attention of the 96th Congress.

5. An investigation of immigration polices and administration in both developed and developing nations is being conducted by the U.S. General Accounting Office (GAO) for the Select Committee on Population. As a follow-up to the GAO investigation, an international comparison should be made of immigration-related policies and actions around the world. This comparison could contribute to Congressional assessment of the effectiveness, equity, and practicability of U.S. policies and programs regarding immigration.

V. POPULATION AND DEVELOPMENT ASSISTANCE

FINDINGS

POPULATION AND DEVELOPMENT

. Effective development strategies include efforts to increase overall els of production and to achieve more equitable patterns of distri- ion and consumption, greater community participation, job crea- and direct attacks on poverty.

Import and export statistics reflect global interdependence. As December 1977, the Third World provided the United States with r 90 percent of its tin, 100 percent of its natural rubber, 85 percent ts bauxite, and 41 percent of its petroleum. U.S. exports to the rd World are among the fastest growing components of U.S. inter- onal trade, having more than tripled in this decade alone.

U.S. bilateral and multilateral asssitance can be useful in affecting way governments of developing nations approach such issues as cultural development, health, education and the environment; their ons with respect to the international economic system, energy sup- s, and nuclear proliferation; and their contribution to regional ility and world peace.

Approximately one billion people—one-fourth of the world's ulation—are unable to secure a minimally adequate diet, decent sing, health services, primary education or a reasonably hopeful re for their children. This proportion has not changed appreciably e past decade.

The World Population Conference, the first global conference of rnment officials on relationships between population and develop- t, was held in 1974 in Bucharest and attended by representatives 36 governments and the Vatican. The World Population Plan of on adopted at the Conference states that "all couples and individ- have the basic right to decide freely and responsibly the number spacing of their children and to have the information, education, neans to do so."

Neither the "Declaration on the Establishment of a New Inter- onal Economic Order" nor its associated "Program of Action," ted at the Sixth Special Session of the United Nations in April contain explicit reference to population as a factor in interna- l economic relations or in national development.

Population dynamics are not primary or sole causes of violent ict either within or between nations; rather, the critical element ars to be the extent to which population combines with other rs to produce or stimulate conflict. For example, countries experi- g rapid population growth are countries characterized by "youth- population structures which make particularly heavy demands on health and social services while contributing relatively less to national productivity. The ability of governments to provide basic social services is an important factor—although only one among many—that affects civic order and contentment.

8. Total international assistance for population activities increased from virtually zero in 1960 to $251.5 million in 1977. The 1977 figures, however, represents only 2 percent of total international assistance. Aproximately 60 percent of all international population assistance now is channeled through multilateral organizations. The major share of international population assistance has gone to Asia.

9. Moderate to strong family planning programs can have a demographically important, albeit not immediate, impact on fertility in many developing nations, particularly when coupled with effective overall development efforts. Immediate impact on fertility cannot be expected because several years are needed to establish basic programs and additional time is needed to extend services to most of the population.

10. Rising age at marriage is a key component of fertility decline in many countries. In most high-fertility countries, marriage is typically at a young age and near-universal.

11. Several potentially significant "linkages" between development and population have been identified as important in explaining fertility declines. Among these are more equitable distribution of income and resources within each country, increased employment opportunities (especially for women), general improvements in the education and status of women, lower rates of infant and child mortality, and provision of at least minimal old-age security programs. The evidence is mixed as to the impact of these factors, yet each is a worthy national goal in its own right, and may also encourage a decline in fertility.

12. There are a number of different pathways to fertility decline; the achievement of Western development characteristics is neither a necessary nor a sufficient prerequisite to fertility decline in the developing world.

13. Although aggregate food production has increased at roughly the same rate in the developed as in the developing world, the more rapid population growth (coupled with rising affluence among a minority) in most developing countries has meant a much smaller per capita food increase for the majority of the population in the developing world. The disparity in levels of per capita food production between rich and poor nations, already large, widened further over the past decade.

14. The only long-term solution to food deficits in the developing world is increased agricultural productivity, with a concentration on basic foodstuffs, coupled with reduced rates of population growth. For example, it has been suggested that about one billion hectares—three-fourths again as much land as is currently cultivated in the world—are potentially available for cultivation in Africa and South America alone, but this would require enormous capital investment, technological improvement, and governmental support. Virtually all presently arable land is currently under cultivation.

15. Since mid-1975, the majority of the world's urban population has resided in developing countries. Between 1950 and the year 2000, the urban population of developing countries is expected to increase eightfold, in comparison to a 2.4 increase in the urban areas of developed countries. By the end of the century, the cities of developing countries are projected to have absorbed over half the world's population increase.

16. Environmental degradation, like energy-related problems, is the product of such factors as population growth, rising affluence and technological change. Environmental degradation can produce climatic change and damaging pollution of air, water and land.

17. The World Population Plan of Action of the World Population Conference at Bucharest in 1974 states that population policies and programs should be formulated and carried out with "full respect for human rights and fundamental freedoms as recognized in international instruments of the United Nations."

18. Social science research is essential to the clarification of relationships between population and development and to the planning and conduct of increasingly effective population and development efforts.

FAMILY PLANNING IN THE DEVELOPING WORLD

19. Since 1977, 96 percent of the people of Latin America, 95.5 percent of those in Asia, and 72 percent of those in Africa live in countries that have adopted or support family planning programs for either demographic or health reasons.

20. Recent data from the World Fertility Survey indicate that about forty to fifty percent of all married women of reproductive age in the developing countries surveyed do not want any more children.

21. Since 1965, the U.S. Agency for International Development (AID) has contributed approximately $1.2 billion to developing countries and international organizations for a wide variety of population and family planning related activities.

22. At the current rate of increase, the world's population will double in size within 41 years, to about 8 billion by the year 2020.

23. Birth rates in Africa, Asia and Latin America are conservatively estimated at 46, 30 and 36 births per thousand population, respectively, in comparison to 15 births per 1,000 in the United States.

24. Death rates in Africa and Asia are approximately 19 and 12 deaths per thousand population, respectively, in comparison to a rate of 9 deaths per thousand in Latin America and the United States.

25. Infant mortality rates are approximately 147, 105 and 84 infant deaths per thousand population in Africa, Asia, and Latin America, respectively, in comparison to a rate of 15 infant deaths per thousand in the United States.

26. Life expectancy at birth is 46 years in Africa, 58 years in Asia and 62 years in Latin America, in comparison to 73 years in the United States.

27. The populations of Africa and Latin America are likely to double in size within 26 years,[1] in comparison to 36 years for Asia and 116 years for the United States.

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[1] All references to population doubling times in this Report are based on estimates of natural rates of increase (the excess number of births over deaths) which do not reflect migration.

28. The population under 15 years of age is 44 percent in Africa, 38 percent in Asia, and 42 percent in Latin America, in comparison to 24 percent in the United States.

Latin America

29. In terms of socioeconomic development and mortality reduction, the Latin American region can be placed well ahead of other developing area. However, in progress toward lower fertility rates, this region is well behind Asia. The rate of population increase in Latin America—equal to that of Africa—is the highest of any world region.

30. By the early 1970s, non-governmental family planning organizations had been established in every Latin American country except Cuba, Bolivia and Haiti.

31. Voluntary sterilization services for both men and women, once considered culturally unacceptable (especially for men) in Latin America, are now offered by non-governmental family planning organizations in several Latin American countries.

32. Declining abortion rates and abortion-related complications are one indicator of the increasing success of the family planning movement in Latin America.

33. Until the 1974 World Population Conference in Bucharest, official Brazilian policy on population was explicitly pronatalist; since then, the population policy of the Brazilian Government has been one of *laissez-faire*. The Second National Development Plan (1974–1979) for Brazil expresses an official recognition of the need for family planning services, but the Government of Brazil has yet to develop an official family planning program.

34. The bulk of family planning services in Brazil are provided through the non-governmental association BEMFAM (Brazilian Society for Family Welfare), a local affiliate of IPPF (International Planned Parenthood Federation) that was founded in 1965.

35. BEMFAM has established community-based contraceptive distribution programs in areas of Brazil characterized by predominantly poor rural populations, inadequate maternal and child health services, high mortality rates, and rapid population growth.

36. Colombia is characterized by both government support for family planning activities and significant declines in fertility rates over the past decade. Colombia was the first nation in South America to adopt an offical policy of reducing its rate of population increase and making this effort an integral part of national development planning.

37. Between 1964 and 1976, the crude birth rate in Colombia declined from 45 to 33 live births per thousand population—a decline of over 25 percent in 14 years. Between 1967 and 1974, the number of new acceptors in the three main family planning programs increased from 27,000 to 235,000.

38. Since 1967, the Agency for International Development (AID) has played an important role in the extension of family planning services throughout Colombia by the timely provision of flexible financial and technical support for new program initiatives.

Africa

39. Indigenous private agencies and church-related institutions have spearheaded family plannings activities in Africa since the early 1960s. By the end of 1976, twenty affiliates of the International Planned Parenthood Federation (IPPF) had been established in various countries of Africa.

40. Egypt's population of approximately 39.6 million lives on no more than 4 percent of that nation's total land mass. With population densities averaging 2,431 per square mile, the habitable land area of Egypt is one of the most densely populated areas in the world.

41. Public interest in family planning in Egypt dates from 1937, when a religious decree sanctioning family planning was issued by the Grand Mufti of Egypt. Official involvement with family planning dates from 1953 when a National Commission for Population Problems was established within the National Planning Council to study population issues.

42. The vast majority of family planning services in Egypt are provided through family planning centers run by the Ministry of Health.

43. The Agency for International Development (AID) has provided only $1 million in bilateral family planning assistance to Egypt since 1977, out of a total economic development assistance package of nearly $1 billion in fiscal year 1978—a mere one-tenth of one percent.

44. As of mid-1978—half-way through its ten-year plan—the Egyptian government still has a considerable distance to go in the achievement of its population objectives. For example, Egypt's population growth rate has actually increased over the past five years (from 20.6 to 25 live births per 1,000 population), largely due to the fact that the birth rate in the country has risen from 33.7 to 38 live births per 1,000 population between 1972 and 1978.

45. With a population growth rate of at least 3.3 percent per annum, Kenya is one of the fastest growing countries in Africa and, indeed, the world. Official recognition of a population problem dates from 1962, when a demographic survey in Kenya revealed a population growth rate well in excess of three percent per year.

46. The Government of Kenya established an official family planning program in 1967. Between 1969 and 1974, international donor agencies and the Government of Kenya contributed over $40.3 million to population activities in this country. It was not until the Kenyan family planning effort was substantially reorganized in 1974, however, that the program achieved some success in providing information and services to women in need.

Asia

47. Over half the world's population now resides in Asia.

48. Since 1960, when the Government of India adopted its First Five Year Plan, many Asian governments have adopted official population policies and programs. In comparison with other developing regions, Asian governments have been receptive and forthcoming in their recognition of and action on population-related problems.

49. The Asian region contains some of the most renowned examples of family planning "successes" (e.g. Hong Kong, Indonesia, Korea. People's Republic of China, Taiwan, Singapore, and Thailand) as well as some of the most notable program "failures" (e.g., Pakistan).

50. In 1976, the Government of Bangladesh announced that population limitation was among its highest priorities, equal to food self-sufficiency.

51. Only six percent of all married women of reproductive age in Bangladesh are reported as using some form of contraception, and the relatively new family planning program so far has had little effect on fertility rates.

52. Between fiscal year 1973 and 1978, the Agency for International Development (AID) contributed $24.7 million to the National Family Planning Program in Bangladesh.

53. With a population of about 140 million, Indonesia is the fifth most populous country of the world. Fully 65 percent of the Indonesian population—just under 100 million people, or almost one-half of the U.S. population—is crowded into Java, an island about the size of Louisiana.

54. Active Government involvement with family planning in Indonesia dates from 1967, when President Suharto signed the U.N. Declaration on Population and Human Dignity. Strong financial and vocal support and leadership from top Government officials—especially President Suharto—an effective administrative structure, communication, and widespead community involvement at the village level have been key elements in the overall effectiveness of the Indonesian family planning program.

55. An estimated 22 to 28 percent of all married couples of reproductive age in Indonesia are currently using some form of contraception. Total fertility rates on the islands of Java and Bali declined by 15 percent in a decade, from 5.3 children in 1965–70 to 4.5 children per woman in 1976.

56. Between 1968 and 1977, AID population assistance to Indonesia amounted to $44 million.

CONTRACEPTIVE RESEARCH AND DEVELOPMENT

57. Family planning programs in the developing world are most effective and useful when they provide a wide range of appropriate methods of fertility regulation.

58. All of the contraceptive methods presently available have limitations for at least some individuals or couples. The development of an array of methods that are safe, effective and acceptable to all individuals and couples would contribute substantially to the overall health and well-being of nations and individuals.

59. International research efforts in reproduction and contraception are most effective when conducted in a cooperative manner, drawing upon the resources and perceptions of private foundations and international research agencies as well as individual governments.

60. The U.S.-oriented contraceptive research efforts of the National Institutes of Health (NIH) can contribute substantially to, but not substitute for, research and development efforts conducted in other nations and directed to the particular needs of developing countries.

61. Since 1967, the Agency for International Development (AID) has invested approximately $52 million in contraception research. An average of five percent of AID's population budget has been devoted to research in contraception each year.

62. The injectable contraceptive Depo-Provera is a very effective and convenient method of contraception which could be particularly useful in certain settings. The relative risks and benefits of Depo-Provera use will differ considerably within and among nations.

63. The Food and Drug Administration's Food Advisory Committee on Obstetrics and Gynecology has unanimously recommended that Depo-Provera be approved for restricted distribution to a limited population for whom its use would clearly represent a favorable risk-benefit ratio.

64. The FDA decided in March 1978 not to approve Depo-Provera for any contraceptive use in the United States. A central reason for their judgment is an FDA estimate that the potential user population in the United States would be no larger than 25,000 women. Other experts estimate that the figure would be close to one million women, even with the limitations recommended by the Advisory Committee.

65. In Thailand, where there are few restrictions on the use of Depo-Provera, it has been estimated that approximately 70,000 women have used this contraceptive over a period of ten years.

66. It has been suggested that Depo-Provera may be in greater demand in nations where health systems are still poorly developed, birth rates and maternal and infant mortality rates are very high, and the availability of culturally acceptable contraceptives is more limited.

REORGANIZATION OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT (AID)

67. The major change instituted by the November 1977 reorganization of the Agency for International Development (AID) was the consolidation of the former Bureau for Population and Humanitarian Assistance and the Bureau for Technical Assistance into a new Development Support Bureau.

68. The new structural arrangements within AID imply a sharing of responsibility for population programs among the Development Support Bureau's Office of Population, the four geographic bureaus, and the Bureau for Program and Policy Coordination.

69. Within the Development Support Bureau, the reorganization is intended to bring about a more effective integration of population and development programs and assistance. The geographic bureaus are intended to assume increased responsibility and accountability for development, implementation and evaluation of bilateral population assistance programs.

Recommendations

1. *Active population and development efforts should be pursued imultaneously.* The goal of population programs is more rapid devel-pment and increased human welfare. Population and development efforts are integrally related and mutually reinforcing.

2. *U.S. foreign development assistance should be increased from the urrent 0.24 percent to the United Nations target of 0.7 percent of Gross National Product (GNP).* The Select Committee is convinced hat development assistance has intrinsic value as a key mechanism for he achievement of realistic and essential development aspirations and

capabilities in developing nations. The Select Committee is also con
vinced that broad-based development can contribute, in the long term
to the process of fertility decline.

3. There has been some discussion of the extent to which donor na
tions and organizations should influence the policies and activities o
recipient nations. *The Select Committee believes that U.S. offers o
development assistance should not include preconditions or require
ments unrelated to the assistance being extended, other than the protec
tion of basic human rights.*

4. On the other hand, *recipient nations can be expected to take actio
to ensure that U.S. population and other developed assistance a
utilized effectively and responsibly.* For example, recipient nation
should assume increased responsibility for the training of qualifie
personnel, the actual provision of services, and the funding of famil
planning programs for which assistance is provided.

5. *The social science research efforts of the Agency for Internation
Development (AID), private research foundations, international o
ganizations and others engaged in such research should receive th
continued and increased support of the Congress.* The Select Commi
tee is particularly interested in applied social science research designe
to identify and clarify the relationships between population and d
velopment, and provide the basis for the planning and implement
tion of increasingly effective population and development program

**AID requested an appropriation of $19.1 million for "Popul
tion Policy and Social Science Research" in fiscal year 1979. A
cording to the AID presentation to the Appropriations Commi
tees, these funds would be used "to continue research and analys
of how population growth is related to overall development; an
how developing country public policy and AID's own assistan
efforts affect fertility and family size." For fiscal year 197
approximately $11 million was available for "Population Poli
and Social Science Research." In fiscal year 1979, AID expects
allocate approximately $17 million for this program.**

6. Increased cooperation and coordination between population a
development assistance can entail either the integration (total or pa
tial) of population and development programs, or the developme
of separate efforts that are harmonized and designed to maximi
the impact on other sectors. *In all instances, relevant population a
development assistance should be planned and implemented in a c
operative and coordinated manner. The nature of any efforts to int
grate population and development should be determined by objecti
assessments of needs and wants in particular country settings.*

7. Little progress has been made in the implementation of Secti
104(d) of the Foreign Assistance Act of 1961, as amended in 197
which mandates that the Agency for International Developme
(AID) take steps to integrate development objectives with popul
tion objectives in the overall endeavor to improve the quality of hum
life. *Congress should closely monitor AID's implementation of Se
tion 104(d) of the 1977 Foreign Assistance Act, to determine the ut
ity of the provision and to evaluate progress in this area of forei
assistance.*

8. *Funds appropriated under Section 104 (formerly Title X) of the Foreign Assistance Act and earmarked for population and family planning activities should not be used to undertake or implement social or economic development programs*, except for small-scale pilot projects that are planned and funded jointly with other programs. Funding for social and economic development activities should come from other, more appropriate functional accounts.

9. *Very small amounts (on the order of one or two percent) of Section 104 funds can appropriately be used to support research on evaluation of the demographic impact of development projects, programs and policies. AID should also make available development assistance funds for functional accounts other than population, on an equal or fixed-multiple basis, for the support of such research and evaluation activities and for the implementation of a few carefully selected pilot or experimental projects.*

10. Although the relative importance of family planning programs and development efforts can vary within and among societies over time, moderate to strong family planning programs have had significant impacts on fertility in many developing nations, especially when such family planning programs have been coupled with effective development efforts. Despite this fact, support for population assistance has averaged only about two percent of all foreign assistance.

Congressional support for population assistance should be substantially increased, though not at the expense of other important development initiatives. The population outlays of the Agency for International Development (AID) and other development organizations receiving U.S. support should reflect the central importance of population and family planning programs to overall development efforts.

AID requested an appropriation of $205.4 million for international population assistance in fiscal year 1979, or $50 million above the fiscal year 1978 level of $155 million. In the International Development and Food Assistance Act of 1978, Congress authorized an appropriation of $224.7 million for this purpose. Through the Foreign Assistance and Related Appropriations Act, Congress provided $185 million for international population assistance, or $30 million over the 1978 funding level.

11. Timely operations research, when made available to program planners/administrators and policy makers in the form of evaluation "feedback," can be used to modify and improve the effectiveness, efficiency and appropriateness of family planning efforts on a continuous basis. *Program-oriented operations research should receive the generous support of the Agency for International Development (AID) and other international agencies with the capacity to support such research.*

12. Family planning programs will be most effective if they:

(a) have the active leadership and support of the recipient governments,

(b) are sensitive to specific local and national characteristics,

(c) are designed to be flexible so as to adapt to changing local and national conditions,

(d) are innovative and imaginative in their methods of service delivery, offering a broad range of contraceptive methods delivered through a variety of service delivery mechanisms, and

(e) are reliable in their provision of services.

Congress should assure that a comprehensive oversight review is conducted of international family planning service delivery mechanisms, types of services, methods of contraception, and other areas of interest with a special focus on the activities and effectiveness of the Agency for International Development (AID) and other international agencies receiving U.S. support.

13. More attention must be paid the development and evaluation of contraceptive methods that are socially and culturally appropriate to the diverse needs of the developing world. Such research, conducted by and for people in the developing world, requires the urgent attention of all governments, the international donor community, and private research foundations.

The relatively low priority given to reproduction and contraception research by the U.S. Congress should be reassessed. There are few areas in which a strong commitment of American scientific expertise and resources could contribute more to overall health and welfare, both in the United States and the world as a whole.

14. *The United States should contribute $4.5 million in fiscal year 1979 to the World Health Organization's (WHO) Special Programme of Research, Development and Research Training in Human Reproduction. The WHO Special Programme should be reviewed on an annual basis and, if appropriate, U.S. contributions to the Programme should become a regular part of U.S. international development assistance.*

The International Development and Food Assistance Act of 1978 authorizes AID to make a direct contribution of $4.5 million to the World Health Organization (WHO) Special Programme of Research, Development and Research Training in Human Reproduction. This was recommended by the House International Relations Committee in its report on the bill. The Senate version of the legislation earmarked $4.5 million for the WHO Special Programme. The Conference Committee substitute adopted the House position.

15. *The Agency for International Development (AID) should consider increasing its currently modest support for the other major international contraceptive research organization, the International Committee for Contraception Research (ICCR).*

16. *The AID Office of Population should provide increased support for biomedical research in reproduction and contraception conducted by institutions within and outside the United States.*

AID advised the Appropriations Committees of the House and Senate that $17.5 million would be expended in fiscal year 1979 for "Fertility Control Techniques and Operations Research." It was explained that these funds would be used "to develop new, inexpensive, and simplified fertility control methods for developing countries; to develop more effective, less complicated, and less costly delivery systems to permit extensive national coverage, particularly in rural areas; and to make research findings available quickly to family planning managers and field workers."

17. *Mechanisms should be developed to foster the systematic and continuous sharing of domestic and international contraceptive research and development results.*

18. *To enhance contraceptive availability and use in the developing world, mechanisms should be developed to foster the transfer and adaptation of contraceptive technology from the more developed world to the developing world.* Such technology transfers should focus on increasing the ability of developing nations to test, evaluate, manufacture, package and distribute appropriate contraceptive commodities, as well as the training of scientists, educators, technicians and others engaged in reproduction research and contraceptive development in the Third World.

19. *Developing nations must decide for themselves the efficacy of Depo-Provera use in their own circumstances, based on full information on the risks and benefits available from the Food and Drug Administration (FDA), the World Health Organization (WHO), and other sources.*

20. *The Food and Drug Administration (FDA) must provide a full statement of its methodology in establishing its very low estimate of 25,000 potential Depo-Provera users in the United States, since the FDA estimate differs widely from estimates of most other experts. If the demand for Depo-Provera in the United States is closer to one million women, as was suggested by some witnesses before the Select Committee, Phase IV follow-up studies might well be feasible.*

21. The Agency for International Development (AID) was reorganized in November 1977. The Select Committee has reservations about the impact of specific aspects of this reorganization on U.S. commitment and ability to provide continued leadership in the population field. However, more time should be accorded the AID reorganization so that the Agency can demonstrate that it can meet its objectives. *Therefore, in 1979, Congress should assess the impact, significance, objectives and performance of AID population assistance, with particular reference to:*

(a) *the effects of the 1977 reorganization;*

(b) *the implementation of Section 104(d) of the 1977 International Development and Food Assistance Act;*

(c) *the number, qualifications and status of population officers within AID;*

(d) *the number of qualified population officers within each regional and functional bureau, and the effects of the 1977 reorganization on program development and implementation; and*

(e) *the role of U.S. policy representatives in developing countries, notably Ambassadors and AID Mission directors, in furthering U.S. population and development assistance in a cooperative and coordinated manner.*

22. The Select Committee heard testimony concerning counter-productive restrictions and conditions imposed by AID on the administration of AID funds for national population assistance agencies. AID has stated that many of these limitations and guidelines have been required by acts of Congress; others have been developed by the Agency staff as administrative regulations.

The Congress therefore should undertake a detailed study of all laws and regulations pertaining to U.S. population assistance administered through AID to determine the extent to which they impede the effective implementation of population assistance to developing countries.

23. Private voluntary organizations (PVOs) have played and continue to play a unique and important role in the provision of family

planning and population assistance. *Through its Office of Population, AID should increase its grants and contractual financial assistance to private voluntary organizations that have achieved significant success in the development and implementation of family planning programs in the developing world. Such an increase should be part of the increased overall attention to population activities within AID, recommended in No. 10 on page 39.*

24. There is a critical need for commitment to population activities at the highest levels of the U.S. Government and among the leaders of governments in developing nations. *The President, the Vice President and the Secretary of State should take every opportunity in their meetings with officials and leaders from other nations to discuss appropriate ways in which the United States and other countries might influence favorably the relationships between population and development, and to this end the position of Coordinator for Population Affairs within the Department of State should be fully utilized, especially in the orientation of State Department personnel.*

Issues Warranting Further Inquiry

1. There is a special need for review by Congress of the objectives and accomplishments of the Agency for International Development (AID), especially in the light of its reorganization. Such a review should make particular reference to regionalization of bilateral population assistance, the need for the proposed Foundation for International Technological Cooperation, and the impact of Section 104(d) of the International Development and Food Assistance Act of 1977 which calls for "particular attention" to the interrelationship of population growth and development assistance.

2. Congress should also review the role and effectiveness of the State Department Coordinator for Population Activities and the Office of Population—both within the Bureau of Oceans and International Environmental and Scientific Affairs—as well as the regional bureaus of the Department of State. The need for briefings and encouragement for ambassadors and embassy mission officers on population issues and the degree of cooperation between AID and the State Department should be central issues in this review.

3. Congress should also review the interests and activities of private voluntary agencies, such as Family Planning International Assistance and the International Planned Parenthood Federation; the Population Division of the U.N. Secretariat and the U.N. Fund for Population Activities; specialized U.N. agencies such as WHO, FAO, UNESCO, UNICEF, UNDP, and the regional commissions; and the international financial institutions—that is, the World Bank, Inter-American Development Bank, Asian Development Bank, and African Development Fund.

4. Restrictions on U.S. international population assistance in both developing and developed countries should be reviewed by Congress. This would include statutory, regulatory, and administrative measures that may restrict international population assistance efforts, such as reliance on Western medical standards.

5. The types of contraceptives needed in different national and cultural settings, as well as ways donor nations and organizations can increase the capacity for contraceptive research and development in the Third World, should be examined by Congress.

V. DOMESTIC CONSEQUENCES OF U.S. POPULATION CHANGE

Findings

1. In the quarter-century between 1950 and 1975 the United States population increased by over 61 million people—or by about 40 percent. Such growth is rare among developed countries, where fertility and mortality generally are both low and population growth is minimal.

2. Despite the fact that U.S. fertility is at a near all-time low, the population of the United States will continue to grow for several decades because the proportion of young adults in the population will be quite large as the "baby boom" generation reaches adulthood and produces children.

3. There has been a steady decline in U.S. mortality since 1900, but the Nation still ranks as low as 7th in the world in terms of life expectancy for females, 18th in male life expectancy, and 15th in infant mortality. Substantial differentials in life expectancy according o sex and race persist in the United States.

4. Population size can change only through natural increase or decrease (when the number of births is larger or smaller than the number of deaths) or through an imbalance between in-migration and out-migration, or both. Recent declines in fertility have reduced the role of natural increase in determining our total population growth, and mmigration—both legal and illegal—is becoming an increasingly important component of the growth of the U.S. population.

5. A distinction should be made between population projections and population predictions. A projection calculates the future popuation under clearly stated assumptions about future demographic behavior but says nothing about whether those assumptions are likely o hold true. Predictions, on the other hand, involve the choice of he projection which seems most likely to occur. Fertility behavior s the most difficult demographic component to predict, since unpredictable factors such as new contraceptive techniques, variations in he economy, and changes in the labor force participation of women ffect childbearing decisions. It is important, therefore, to consider everal different assumptions about future fertility behavior when aking projections of the U.S. population.

6. Most analysts would agree that population growth must ultimately cease, because global resources are not infinite. They disagree, owever, about the meaning of "ultimately." Despite debate over everal decades, there is no agreement about an optimum population ize for the United States.

7. Economists agree that, since labor is one of the major inputs to roduction, a rise in population and thus labor force will lead to a

rise in total gross national product. They disagree about what will happen to per capita output, however, because it is unclear how much investment will accompany the labor force growth.

8. The 15-year postwar "baby boom" is of tremendous continuing importance because more people were born in this period than in the same time-span before and after it. As the large number of people born during the "baby boom" passes through each age group, the institutions that deal with population of each age will undergo the strain of rapid expansion followed by the often more painful task of retrenchment due to the arrival of the "baby bust."

9. Although the dependency ratio (the number of "dependent" people under age 18 and over age 64, per 100 "active" people age 18 to 64) has not changed much in recent years, the dependent population has aged dramatically. In 1900 there were 10 youths under age 18 for every elderly person; by 1977 there were only 3 youths for each person 65 and over.

10. Contrary to common belief, fertility decline, not mortality decline, is the principal ingredient in the aging process of a population. When fertility declines, the proportion of children in the population declines and hence the average age increases.

11. Since 1965 the number of preschool children (under age 6) with mothers in the labor force has increased by 65 percent despite declining fertility. The reason for this growth is the rapidly growing labor force participation of women. A consequence of the growth is a rapidly growing demand for day care.

12. The number of children with working mothers is likely to increase in the future for two reasons. First, in the 1980s the number of women in their childbearing years will be at its peak as the "baby boom" comes of age; if each woman averages about 2 children, then the number of children under age 6 will increase by about 25 percent between now and 1990. Second, the labor force participation rates of women with preschool children and school age children are expected to continue to rise.

13. If current child care arrangements are extrapolated, the number of children of working mothers in day care centers and nursery schools will increase by two-thirds between now and 1990, from 344,000 to 535,000. Most children, 6.5 million, will still be cared for either by relatives or by another person in the child's home.

14. Changing age composition affects the educational system by creating substantial variations both in enrollments and in the size of the pool of teachers. The 5 to 13 age group grew from 23 million in 1950 to almost 37 million in 1970. The high school population doubled in size between 1950 and 1975. The number of young adults (age 18 to 24) increased from 16 million in 1950 to only 16.1 million in 1960, but then grew rapidly to 24.7 million in 1970. Consequently, shortages of educational facilities and teachers plagued elementary schools in the mid-1950s and secondary schools in the 1960s.

15. The primary school age population is projected to decline between now and 1985, to increase between 1985 and 1995, and to decline again from 1995 to 2010. These same trends will be reflected in the secondary school population and college age population about 5 and 10 years later. Therefore, solutions for disposing of excess educational resources

today must also consider the projected enrollment increases of the future. Policymakers must balance the cost today of unemployed surplus physical and human resources against the cost of building them up later when they may be needed for a larger school population.

16. Data needed for proper educational planning are generally not available, particularly for local areas. Predicting future youth population is very difficult for small areas, such as a school system, because of the difficulty of predicting migration patterns, particularly for young adults with children.

17. The labor force has increased rapidly in the past decade, with two important consequences. First, there is an increased proportion of inexperienced workers, who have higher unemployment rates than experienced workers; and consequently the average unemployment rate is higher than it would be otherwise. Second, group-specific unemployment rates have increased, for both experienced and inexperienced workers. Black male teenagers have been especially hard-hit; in 1976 their measured unemployment rate was 35.4 percent, five times that of the labor force as a whole.

18. In 1950, about 31 percent of all women were in the labor force; by May 1976, 50 percent were working or seeking work outside the home. As a result of this growth, only one-sixth of American families now fit the traditional picture of a breadwinner husband and a homemaker wife caring for dependent children.

19. The recent shifts in the balance of young versus older workers have made older workers relatively scarce and thereby created a corresponding shift in their relative earnings. For example, male college graduates age 45 to 54 now earn 63 percent more than those 20 years younger; in 1968 the advantage of the older college graduates was only 38 percent.

20. The "baby boom" generation may never achieve the relative economic success of the generations immediately preceding it or following it, because its large size results in an oversupply of workers in that age group. A possible offset to this relative disadvantage is the higher educational attainment of the "baby boom" as compared to older generations.

21. Under moderate assumptions, the labor force can be expected to increase from 83 million in 1970 to 119 million in 1990. The rate of growth will differ for the various age and sex groups though, as the "baby boom" generation ages and as women's labor force participation grows.

22. The high crime rates of the late 1960s and the early 1970s can be partially explained by the large proportion of youth in the population, the result of the "baby boom." Young people are more likely than older persons to be arrested for crimes, and thus a young population pushes up the crime rate. With continuing low fertility, the population will age somewhat, so we can anticipate lower crime rates in the future if the crime rates of different age groups remain constant.

23. The rapidly declining number of births in the late 1960s and early 1970s will create by the 1980s a contracting pool of 18- to 24-year-old males, the group from which the majority of military manpower has come in the past. However, the increasing reliance on women in the armed forces may result in a larger group of potential recruits than has been available.

24. The elderly population (65 years and over) is projected to grow to 34 million by 2010 and then to 52 million by 2030. The proportion of the elderly in the total population, which was 10.7 percent in 1976, will start to rise rapidly in 2010, as the "baby boom" generation begins to reach the age of 65. It will peak in the year 2030 at between 14 and 22 percent of the population, depending on future fertility behavior.

25. The most salient feature of the elderly population is its heterogeneity. Rising life expectancy means that there can be several generations within the elderly classification. Of the 6.9 million increase in the elderly population in the 1980s and 1990s, almost three-fourths will be in the 75 and over age group.

26. Average per capita medical expenditures for the elderly in 1976 were $1,521, three times the average for the entire population. Because medical expenditures rise disproportionately with age, within the "older" elderly age groups there are substantial financial burdens arising from medical care and personal assistance. Failing health with advancing age means that the proportion that is institutionalized rises from 1 percent in the 65 to 74 group to 24 percent in the 85 and older age group.

27. Marital status of the elderly is greatly affected by higher mortality rates for males which create a growing excess of women as age advances. In 1977 there were 5 women for every 4 men in the 65 to 69 age group, but twice as many women as men in the 85 and over age group. The advantage in life expectancy of females over males is expected to continue to increase in the future; thus, the female elderly population is expected to grow even more rapidly than the male elderly population so that there may be five women for every two men in the 85 and over age group by the year 2000.

28. The stated preference of most elderly people is to live independently, but near their children. The increasing tendency for young people to live far from their parents, however, reduces the assistance available to older people from the family network. In addition, rising incomes and better health of the elderly have increased their own mobility. Thus, the proportion of elderly people living with a relative other than a spouse has fallen from 14.6 percent in 1965 to 9.0 percent in 1975.

29. The few long-term studies of the elderly show that the changes in their living arrangements represent a process of successive adjustments to worsening health and to the inability of the family to provide needed care. The typical transition goes from an independent household, to an apartment or room in a retirement home or in the home of an adult child, to an institution. Suggestions to ease the transition and maximize independence include home health care, personal care, and chore services; foster care, day care, and congregate community housing; and subsidies for remodeling homes of the elderly to suit their needs better. Living arrangements, however, depend as much on income as on the availability of alternative residential environments.

30. There is a concentration of non-migrant elderly in the Central States and the Northeast, and an even larger proportion of the elderly in Florida, long a popular destination of elderly migrants. New retirees are moving also to California, Arizona, the Ozarks, and Oregon.

31. Local areas tend to "age in place." For example, the young adults

who lived in the cities in the 1920s and 1930s have remained there, but their children, the young adults of the 1940s and 1950s, moved to the suburbs, leading to the current concentration of elderly in the "gray ghettoes" of central cities.

32. The Census Bureau's past projections consistently underestimated the growth of the elderly population, primarily because of unexpected decline in mortality rates. Life expectancy at age 65 has increased by more than a year in the last decade.

33. More data, analysis, and research are necessary for making informed policy with respect to the elderly. Especially needed are data n greater detail by age, continuing surveys over long periods, and considerations of alternative mortality assumptions in making projections of the elderly population.

34. Public expenditures for an elderly person are said to be three imes the public expenditures per youth. Much of the spending for outh is for education, financed largely by State and local taxes, while nost of the public spending for the elderly is federally financed. Hence hanging age composition leads to changes in the level of government roviding necessary services.

35. Federal spending for the elderly amounts to nearly one-quarter f the Federal budget, and it is projected that, by 2025, 40 percent of he budget will represent outlays for the rapidly growing elderly opulation.

36. Expenditures for Old Age Survivors and Disability Insurance, ommonly known as Social Security, will start to exceed payroll tax evenues around 2010 when the "baby boom" generation begins to etire. The system will be in deficit by about 2025 unless changes are nade in the interim. The more rapid the decline in mortality in the uture, the greater will be the actuarial deficit, because expenditures vill increase more than tax income. Lower fertility in the future would lso lead to an increased deficit early in the 21st century, since tax ncome would be lower. However, increased labor force participation f women would lead to a decrease in the deficit.

37. The recent decline in fertility and changing migration patterns esulted in significant shifts in the size and structure of the regional nd local populations within the United States. During the 1960s, hen fertility was higher, a community could lose population through igration and still experience growth through natural increase. oday, natural increase is low, and migration is the primary deter- inant of the changes in local population size.

38. Historically, Americans have moved from nonmetropolitan areas metropolitan areas. Since 1970, though, more Americans have been oving away from metropolitan areas than into them. This migration as been both to places adjacent to metropolitan areas and to town and untries that are entirely rural.

39. The movement to nonmetropolitan areas has had great impact the Nation's major urban centers. By 1975, one in three metropolitan sidents was living in an area of population decline.

40. From 1970 to 1975, the population of the South Census Region creased by 5.1 million people, in contrast to a 3.4 million increase for e previous five-year period. (Since 1970 there has been a net influx people to the South and an end to the previous net out-migration of

blacks.) In contrast, the North Central region's population increase slowed considerably, and the Northeast had very little growth. The West grew rapidly in the past five years.

41. More than one-sixth of the U.S. population moves in a typical year. Over two-thirds of the moves do not involve changes in the county of residence, and many involve only a change of address and not a change in employment. Even so, the moves of so many people each year have important consequences for the places involved, since different types of people stay and go.

42. Half of all Americans who move are either adults age 18 to 29 or young children moving with their parents. Migrants are typically better educated than nonmigrants. White-collar workers, especially professionals, are more likely to move than manual workers.

43. In general, people move to improve their well-being. People are "pushed" from their original place of residence because of adverse conditions, or they are "pulled"—that is, they leave because they perceive conditions as significantly better elsewhere. Often both types of factors act together to influence migration decisions.

44. Unemployed workers are more likely to move than employed workers who are satisfied with their jobs, but the migratory response to unemployment is weak and uneven. Often people move without sufficient information on the prospect of a job at their destination, and many of the unemployed return to their original place of residence fairly soon.

45. All major western European countries now have some form of subsidy to assist persons migrating from rural to urban areas. Experimental relocation assistance programs in the United States (conducted between 1965 and 1969 under the auspices of the Department of Labor) demonstrated that many unemployed persons willing to relocate can be helped to find jobs elsewhere.

46. Despite widespread belief to the contrary, the higher proportion of welfare recipients in cities is not due to migration to those areas but is due to low out-migration of the welfare population from them.

47. The growth of employment and in-migration are closely linked. Although it is not yet entirely clear whether jobs or people move first, recent studies suggest that migration of firms has not been an important component of employment shifts. Most of the growth of local employment has been due to expansion of existing firms and establishment of new ones.

48. Although the Federal Government has not had direct policies to influence the movement of population within the United States, it has affected migration indirectly through various programs. For example, the interstate highway system, subsidies for home ownership and new capital investment, and assistance to rural areas have all contributed to locational decisions of individuals and firms. Most of the effects of Federal programs on migration are unplanned and unintended consequences of decisions made for other reasons.

49. More often than not, our people and their elected and appointed officials are not equipped to cope intelligently with population decline, because our Nation since its pioneer beginnings has been accustomed to the assumption of growth and expansion, not decline and contraction

50. Areas with prolonged out-migration generally have an underrepresentation of young adults, declining per capita income, and decreasing employment. There is an erosion of the tax base, but not necessarily a commensurate contraction of demand for services, which increases the burden of taxation.

51. Formulas for the distribution of Federal aid typically include a population-size factor. Therefore, if an area loses many of its inhabitants, it is likely to lose funds when it most needs Federal assistance—during the transition to a smaller tax base and changed needs for social services.

52. If migration continues in its recent (1965–1975) pattern and pace, at least eleven seats in the House of Representatives will be reapportioned after the 1980 Census. The Northeast and East North Central States will lose seats, with New York alone expected to give up four seats. The South will probably gain as many as seven seats and the West four.

53. Rapid population growth means an increase in the demand for services, as well as higher unit costs for those services. For example, small growing communities which in the past relied on part-time police officers and volunteer firefighters may need to hire new full-time public service workers. New home construction requires expansion of drainage, sewer, water, and transportation systems. In addition, increased population growth can exert pressure on the environment and resources of growing areas.

54. The States of Florida and Hawaii have been very active in managing their rapid population growth. The Florida Local Government Comprehensive Planning Act of 1975 requires that, by July 1, 1979, all local governments prepare and adopt a plan for growth and development. On May 22, 1978, Hawaii became the first State to adopt by statute a State plan for future long-range development. Hawaii officials are especially concerned about the impact of immigration on their limited resources.

55. Better knowledge of current migration is needed to accommodate future population movements within the United States more efficiently. We need to know why and how often people move, to and from which places, and their circumstances both before and after the move. At present we do not have such information in usable detail.

56. Research on internal migration is conducted in several Federal agencies, but it is sporadic, poorly coordinated, and less than comprehensive. Federal support for research on population movements conducted by others does not remedy these deficiencies.

57. The Federal Government has no capacity to plan systematically for population change; yet changes in the size, age composition, and geographical distribution of the population can, and often do, have profound effects on Federal policies, and Federal policies and programs often influence the direction of population change unintentionally.

58. The United States has no explicit policy outlining goals relating to the overall size, growth, and distribution of the population; and the benefits and disadvantages of those policies and programs that do affect the U.S. population are not assessed in terms of their impact on population.

59. Policymakers at all levels of government and the American public have limited understanding of the long-term consequences of population change for individuals and society as a whole. The Federal Government has not made a concerted effort to educate either the public or the policymakers about population trends and their consequences.

60. The statistical activities of the Federal Government are fragmented and suffer from insufficient coordination and overall planning. One result is that the quality and timeliness of the population data collected by the Government have deteriorated and the statistical information is not always relevant to current policy issues.

61. Most Federal agencies have some capacity for long-range analysis, including limited demographic analysis, with respect to their programs and policies. Usually, however, population is treated as an unalterable variable. Little attention is given to the impact that a given policy may have on population change or to the effect that the consequent demographic change may have on other programs administered by that agency or by other Federal agencies.

62. There has been a dramatic increase in the need for demographic data on regional, State, and local areas, partly as a result of the expansion of State and local governments and partly as a result of the increase in the use of population as a factor in the allocation of Federal funds to State and local governments.

63. The Federal-State Cooperative Program for Population Estimates (FSCP) has been relatively successful in promoting cooperation between the States and the Federal Government for the preparation of county-level population estimates. However, problems remain in producing timely, reliable estimates of local populations, particularly estimates of demographic characteristics, estimates of the population of internal service areas (such as school districts), and household estimates. The ability of States to produce accurate demographic data has been hampered by the failure of the Federal Government to provide financial and field technical assistance to support population work at the State level.

64. The deficient quality and timeliness of population estimates of State and local areas create problems when these estimates are used as the basis for allocating Federal funds. Areas experiencing rapid population growth or decline may not receive their fair share of Federal funds if the data are outdated.

65. Currently, there is also an absence of reliable and uniform population projections. The Federal Government has not established guidelines for the preparation or application of population projections for States, counties or other local areas, although these projections are increasingly used for planning and allocating funds under major Federal programs. The allocation of Federal funds can have a powerful influence over the direction of population change in a region, and such change may not be consistent with local or national goals. Furthermore, expenditures based on inflated projections may waste Federal funds and burden local governments with the maintenance of oversized facilities.

RECOMMENDATIONS

1. *Congress should investigate more fully the effects of the population size and growth rate of the United States on the well-being of our people.*

2. There is a need to create greater awareness among our citizens of the causes and consequences of population change. *Federal funds should be available to support population education in elementary and secondary schools and programs to educate public officials at all levels about demographic change and its implications for public policy.*

In October 1978, Congress added language to the Special Projects Title of the Education Act Amendments of 1978 authorizing the Commissioner of Education to carry out a grants and contracts program in population education at the elementary and secondary school level. Activities to be supported under the Act include: preservice and inservice training for teachers; the development and dissemination of teacher and student materials; research to support curriculum development; and population education programs in elementary and secondary schools. The Act provides that 10 percent of the funds appropriated for the Commissioner's discretionary fund are to be used to support population education activities. Provision of funds for this program awaits action on the President's requests for appropriations in 1979.

3. Many analysts believe that in the future the fertility rates in the United States will fluctuate rather than follow a steady trend. In view of the importance of these fluctuations for all social policies, *the Census Bureau should update its projections frequently to take into account possible fluctuations in fertility rates.*

4. *Federal agencies which prepare long-range projections, such as the Census Bureau and the Social Security Administration, should consider using a wider range of assumptions in projecting the extreme cases.* An example might be to treat recent declines in both fertility and mortality not as short-term aberrations, but as the beginning of new long-term trends.

5. Given the increasing numbers of young children both of whose parents work, *Congress should study current and future demand for and supply of various types of child care facilities and consider alternative methods of financing child care services, such as providing more liberal tax credits for these services.*

6. Given the increasing number of women in the labor force who have young children and the need for more flexible work schedules, *the Select Committee on Population supports the institution of flexitime and part-time work schedules in all areas of public and private employment.*

7. Given the impact of demographic change on the demand for educational facilities and the need for more flexibility in their use, *the Federal Government should encourage and assist local districts to make available underutilized school buildings for the educational needs of the entire population and the provision of other social services. The Select Committee on Population further recommends legislation to require that Federal agencies investigate the possibility of utilizing empty school facilities before constructing new Government buildings, and programs to assist school administrators in the disposition of excess school facilities, if that is desirable.*

Congress added a new Title to the Education Act Amendments Act of 1978 authorizing $40 million for fiscal year 1979, $50 million for fiscal year 1980, $60 million for fiscal year 1981, $50 million for 1982, and $40 million for fiscal year 1983 to support community education programs. The funds authorized under this Title will enable communities to adapt existing public buildings, including unused or underutilized elementary and secondary school facilities, for use as centers providing educational, recreational, health care, cultural, and other related services for the local community. Provision of funds for this program awaits action on the President's requests for appropriations in 1979.

At the request of the Select Committee on Population, the General Accounting Office plans to conduct a study of vacant and underutilized school facilities. The survey is to include an estimate of the number of currently unused school facilities that could be converted to alternative uses; an assessment of the legal barriers to the sale, rental, or transfer of such property in the different States; a list of the major Federal grant-in-aid programs which make provisions for "brick-and-mortar" funding; and recommendations to reconcile the funding of needed new accommodations with the availability of unused public facilities.

8. Given the fluctuation in school enrollments and the resultant demand for teachers, *the Select Committee on Population supports Federal programs to increase flexibility in the supply of teachers and to retrain excess teachers for alternative careers.*

9. *Demographic factors should be considered when Federal economic (and particularly employment) policies are formulated. For example, demographic factors should be considered in formulating policies to:*

(*a*) *establish full employment goals;*

(*b*) *determine the extent of both unemployment and underemployment;*

(*c*) *increase the employment of particular demographic groups, such as by targeted training and job identification for the women and youth who represent most of the new entrants into the labor force;*

(*d*) *determine the minimum wage in such a way as to take into account its effects on various demographic groups; and*

(*e*) *match workers with jobs they wish to take.*

10. Accurate forecasts of the future labor force are essential for planning employment policies; *increased resources should be devoted to improving forecasts of the labor force, particularly the female labor force.*

11. There is much speculation but few facts as to what the "baby boom" generation will experience because of its large size. *Research on the relative well-being of the "baby-boom" generation should be supported, with a view to predicting the future mobility, earnings, needs, and social impacts of its members.* In particular, almost nothing is known about the current activities of the large number of youths who are not now working or in school, nor is much known about the lifetime efforts of their youthful experiences. *Data should be collected and research undertaken to study these youngsters intensively, with a view to making policies to improve their life prospects both now and in the future.*

12. Use of long-range projections by the Social Security Administration and the Health Care Financing Administration provide policymakers with a valuable planning tool, although not precise predictions. *Congress should identify other Federal programs which are closely related to age and require for them similar projections of long-range expenditures, as they relate to the shifting demographic situation.*

13. Among the many special needs of the elderly that are not being met is assistance in maintaining independent households, as many older people wish to do. *Congress should investigate alternative methods of filling these needs, such as:*

(a) home health care, personal care, and household help for the elderly;

(b) alternatives to family support, such as foster care, or placement of lodgers in the homes of the elderly;

(c) single-level housing; and

(d) congregate housing arrangements.

14. *The national data base concerning the elderly should be expanded, in particular by:*

(a) tabulating and publishing data on the elderly wherever possible by 5-year age groups, and at least 10-year age groups. Where necessary, the agency involved should consider expansion of the sample, or over-sampling of the elderly to obtain a reliable data base;

(b) conducting long-term surveys, to understand better life changes that take place in the aging process; and

(c) considering a national survey of the elderly as a means of developing integrated information on the interactions of health, income, social, and other characteristics which determine the complex and interrelated needs of the elderly.

15. *The Census Bureau should develop more information on the future elderly population—its size, characteristics, and location—and make this information available to agencies which plan service facilities for the elderly.*

16. *Congress should strive for a consistent and integrated retirement policy applicable to such statutes as those dealing with Social Security, mandatory retirement, and private pensions.*

17. *The Select Committee on Population supports the debate now underway concerning the best responses of the Social Security system to the future pressure of the "baby boom" generation's retirement, and efforts to develop thoughtful policies and to prevent crisis-oriented, last-minute, and partial solutions. All alternatives should be explored and thorough discussion of alternative policies concerning taxes, benefits, and coverage should be encouraged. The Select Committee in particular recommends thorough consideration of the costs and benefits of alternative ages of eligibility for Social Security.*

18. *The Select Committee on Population further recommends expansion of research on the implications of an aging society for the financing of all social programs and for the changing balance of Federal versus State and local revenues and expenditures.*

19. Marriage has become less common among younger women; divorce rates have risen; fertility has dropped; women now work more outside the home; women's life expectancy continues to increase faster than that of men. The implications of these changes for the financial well-being of women in their old age have not always been reflected

in policy. *The Select Committee on Population therefore supports the current review by Congress of the special provisions of the Social Security law which deal with women and recommends swift completion of this review.*

20. *Congress should investigate the impact of present laws and programs on the decisions of individuals and firms to locate or relocate within the United States. Prior to enactment of new legislation, Congress should review potential impacts on population movements.*

21. Because the unemployed often lack funds, information, and skills to take advantage of job opportunities in other parts of the country, *the Federal Government should help individuals improve the economic outcome of migration by providing information on job opportunities throughout the country, by developing training programs linked to such opportunities, and by providing transitional assistance to the unemployed who do move to take a job.*

22. Because population shifts change the socioeconomic profile of local populations and some localities bear a disproportionate burden in supporting the disadvantaged in the United States, *the Federal Government should assume a fair share in the provision of services which have a large component of income redistribution, such as education, health, and welfare.*

23. American society is still structured around the assumption of continued population growth, and little is known about how best to manage the population decline which is currently taking place in some localities and the declining number of children entering our schools. *The Select Committee on Population recommends the support of research on the "management" of decline with a view to training administrators to anticipate and plan more efficiently for changes in population size, both upward and downward.*

24. Because population decline is not entirely a regional phenomenon and because the concept of balanced national growth is ill-defined, *Federal aid should be targeted to distressed individuals and localities regardless of their regional location.*

25. The use of population size alone as a criterion for Federal aid to localities ignores the effects on the demand for services of changing population characteristics associated with growth or decline. *The Select Committee on Population recommends a review of Federal formulas for aid to localities and consideration of other factors which better measure the need of localities and their residents for Federal assistance.*

26. Information on migration in the United States is deficient and research in this field is fragmented. *A study of Federal research on internal population movements is recommended to investigate, in particular:*

(*a*) *the capabilities within the Federal Government for research,*

(*b*) *Federal support for non-governmental research,*

(*c*) *coordination of research activities and support by the various Federal agencies, and*

(*d*) *the availability, quality, and timelines of the data needed for such research.*

27. Because many communities lack funding or expertise for long-term planning for population change, *better utilization of Federal funds available for local planning efforts is recommended.*

28. Policies which influence or are influenced by population change can be found in all Federal agencies. Yet, no single agency has the authority to coordinate these often conflicting policies. *The Committee recommends that the Congress undertake a thorough investigation to identify all population-sensitive programs and policies, to assess their impact on population, and to consider alternative mechanisms for improving the ability of the Federal Government to:*

(a) conduct continuing analysis of the interrelationship of demographic change and Federal programs and polices;

(b) coordinate programs and policies which will be affected by changes in the size, composition, and geographical distribution of the population or which may affect population; and

(c) develop alternative policies and programs for planning for future population change and assess the short-term and long-term costs and benefits of each course of action.

29. *The Census Bureau should report more fully on the long-term consequences of projected population trends for various institutions, and the Demographic Analysis Division of the Censuns Bureau should be provided with sufficient funds and staff to perform this task.*

30. *All major Presidential report such as the Employment and Training Report, the Environmental Quality Report, the Urban Growth Report, and the Economic Report should include more extensive demographic analysis, including identification of the policies and programs that will be affected by future population changes and recommendations for action by the Congress and the Executive. Congress should exercise more vigorously its oversight responsibilities to ensure that these reports are prepared in a timely manner and are consistent with the original intent of the statutes mandating the reports.*

31. To improve the accuracy, timeliness and policy-relevance of the statistical data produced by Federal agencies and to improve the access of all Federal agencies and departments to data for effective policy development, *the Committee supports the efforts of the President's Reorganization Project to provide coordination and to develop an overall plan for the Federal Statistical System.*

32. To protect the individual's rights of privacy, *the Federal Government must continue to maintain strict control of the use of administrative records in the preparation of demographic data. When seeking information from citizens, the Federal Government should strive to lessen the burden on respondents by improving questionnaires used for information-gathering.*

33. *The Committee supports the efforts of the Census Bureau to improve the review process by which State and local governments can appeal the intercensal estimates prepared by the Bureau for use in the General Revenue Sharing program. The Committee further supports the efforts of the Census Bureau to develop a more efficient system for local review of the 1980 Census counts prior to their publication.*

34. *A mechanism should be established to review and coordinate the use of projections by Federal agencies and to establish clear guidelines for the preparation and use of projections for States and local areas in Federal funding allocations formulas. The Committee recommends that:*

(*a*) *projections be based on demographically sound methodologies;*

(*b*) *projections be updated regularly;*

(*c*) *checks be applied to assure that the total of all State projections and all projections for local areas be more or less equal to reasonable projections of the total population for the country as a whole—otherwise the local and State projections become misleading or meaningless; and*

(*d*) *State and local governments and the public be encouraged to participate in the preparation of projections.*

35. *The Statistical Policy Coordination Committee of the President's Cabinet should conduct a survey of all Federal agencies using population projections to determine how those projections are developed and used.*

36. *The Census Bureau should expand its support for research on methods of preparing:*

(*a*) *estimates of population, demographic characteristics, and migration for States, counties, and subcounty units; and*

(*b*) *population projections, projections of demographic characteristics, and projections of migration at the subnational level.*

37. *The Committee supports the efforts of the Census Bureau to strengthen the Federal-State Cooperative Program for Local Population Estimates (FSCP) and recommends greater efforts to familiarize State and local officials with available resources. The Committee further recommends that the Census Bureau provide funds to the FSCP representative agencies to support the demographic analysis activities being undertaken by the States. Moreover, the Committee recommends that a parallel Federal-State Cooperative Program for Population Projections be established for the purpose of developing uniform and reliable projections for States and local areas and improving the methods used in preparing these projections.*

38. *An extensive investigation should be made of the demographic research capability of the Federal Government and the organization of Federal population research activities. This study should undertake to determine the areas of population research not adequately supported by the Federal Government and should examine the role of the Center for Population Research of the National Institute of Child Health and Human Development as the lead agency for population research. Further, the Committee recommends examination of the level and procedures for support of outside research and the need to provide long-term funding of certain demographic research.*

39. *The Center for Population Research of the National Institute of Child Health and Human Development and other Federal agencies involved in demographic research should extend their research into all aspects of demographic behavior.*

ISSUES WARRANTING FURTHER INQUIRY

1. No single Federal agency has primary responsibility for population-related policies and activities. Several concentrate on fertility issues—the DHEW Office of Population Affairs (OPA) and the Center for Population Research (CPR) at the National Institutes of Health (NIH), for example. However, no single agency considers the

whole range of population issues, including such key components as immigration, internal migration, and mortality. Because at present no one agency has the capacity or the mandate to assume this responsibility, a comprehensive view of U.S. population change and its policy implications is lacking, and coordination is poor among agencies in matters pertaining to population.

Congress should review the responsibilities and actions of various Federal agencies, in order to:

- provide a summary of the Federal role in population,
- identify the effectiveness of current lines of responsibility, and
- assess alternative proposals for improving the Federal role in matters pertaining to population.

This review could also provide a forum for the discussion of alternative approaches to policymaking on population-related issues.

2. Research on population currently is conducted by numerous Federal agencies, the major agencies being the Agency for International Development (AID) and the Center for Population Research at the DHEW National Institutes of Health. The NIH Center for Population Research has been delegated the "lead agency" role in population research. Congress should consider:

- Whether this function has been discharged adequately;
- What steps may be in order if action is deemed necessary;
- Whether the Federal funds available for biomedical and social science research in population are sufficient; and
- Whether the allocation of research funds among the various Federal agencies is optimal.

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APPENDIX

Select Committee Letters to Federal Agencies

One of the major functions of the Select Committee on
tion is the encouragement of increased awareness and
standing of key population issues in the Congress, among
eneral public, and among Federal agencies. In fulfill-
f this last responsibility, the Chairman of the Select
ttee on Population has written to the heads of selected
l agencies individual letters highlighting Select
ttee recommendations that are of particular relevance to
agencies.

he following two letters to the Honorable Griffin B.
Attorney General of the United States, and the Honorable
A. Califano, Jr., Secretary of Health, Education and Welfare,
presentative of this correspondence.

etters were also written to:

The Honorable Cyrus R. Vance, Secretary of State (two letters);
The Honorable Bob Bergland, Secretary of Agriculture;
The Honorable Juanita M. Kreps, Secretary of Commerce (two letters);
The Honorable F. Ray Marshall, Secretary of Labor (two letters);
The Honorable Joseph A. Califano,Jr., Secretary of Health, Education and Welfare (two additional letters);
The Honorable Patricia R. Harris, Secretary of Housing and Urban Development; and
The Honorable James T. McIntyre, Jr., Director of the Office of Management and Budget (two letters).

ple letters were sent to certain heads of agencies
more than one Select Committee report was relevant to
agency.

JAMES H. SCHEUER, N.Y., CHAIRMAN
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U.S. House of Representatives
SELECT COMMITTEE ON POPULATION
3587 HOUSE OFFICE BUILDING ANNEX 2
Washington, D.C. 20515

The Honorable Griffin B. Bell
Attorney General
U. S. Department of Justice
Washington, D.C.

Dear Mr. Attorney General:

A study of the population-related aspects of immigration was undertaken by the Select Committee on Population in 1978. Our review was greatly enhanced by the testimony of Commissioner Castillo and others from the Immigration and Naturalization Service. I am pleased to enclose a copy of the Report of the Committee, Legal and Illegal Immigration to the United States, for your consideration. This Report contains several recommendations that pertain to your department:

1. Although present immigration law provides that no one who is likely to be a "public charge" can be admitted as an immigrant, Federal and State welfare and other funds have been widely used to support newly-arrived immigrants. Therefore, for the purposes of the Immigration and Nationality Act, any individual who, within five years of entry, receives benefits from Federal or State public assistance programs for conditions existing before entry to the U.S. should be considered a public charge and subject to deportation, without regard to whether the alien is liable to repay those benefits or whether any demand is made for repayment.

2. Affidavits of support signed by U.S. sponsors of immigrants are presently held to be only morally binding documents and legally unenforceable. The Select Committee on Population urges enactment of legislation to make these affidavits legally binding financial obligations.

3. Some local governments are attempting to cut costs by reducing the availability of social services to the children of illegal immigrants. Denial of educational opportunity and proper medical care to children of illegal immigrants will only serve to perpetuate an underclass in the United States, create disproportionately large future costs to society, and result in a generation of young adults who have grown up without adequate health care or basic educational skills. Congress should ensure that such children are not denied educational opportunities and proper medical care by reimbursing States and cities for educational and health care costs of children of illegal immigrants.

4. Stricter U.S.-Mexico border enforcement should receive the highest priority. The Select Committee on Population supports budget increases for additional personnel for U.S.-Mexico border enforcement as well as increases in the INS investigative staff. A concerted effort should be directed toward smugglers of illegal aliens (individuals and organized rings) and those who encourage surreptitious entry of illegal aliens by:

   - enactment of H.R. 11581, which would give the INS the right to seize and dispose of vehicles used to smuggle persons into the United States;

- establishing a Fraudulent Documents Laboratory in the INS to augment its enforcement responsibilities; and
- returning to Mexico for incarceration those Mexican nationals convicted of a crime in the U.S.

5. Immigration research is severely limited by a deficient data base. The Select Committee on Population recommends:
    - automation of all data storage and retrieval processes at the INS and simplification of many forms now employed by the INS;
    - upgrading the INS data collection and research capacity;
    - recruitment by INS of full complement of personnel with statistical analytical capabilities;
    - improvement of coverage of the Alien Address Reporting System so that it can be employed more effectively; and
    - revision of published tabulations and reports to facilitate their further analysis and use by other organizations and individuals.

6. The Select Committee on Population recommends expenditure of up to $10 million earmarked for research on the dimensions and impact of immigration to the United States and the development of accurate data on legal and illegal immigrants. These funds would be allocated among the Justice Department (INS), the Bureau of the Census, the Department of State, the Department of Labor, the Social Security Administration, and particularly the Center for Population Research (CPR) of the National Institute of Child Health and Human Development of the Department of Health, Education, and Welfare. The CPR is the lead agency of the Federal Government in population research and is responsible for insuring that adequate studies be undertaken in this area. This research should emphasize the impact of legal and illegal immigration on the food stamp, Aid to Families with Dependent Children, public assistance, unemployment insurance, medicaid, medicare, and public housing programs.

7. In order that the executive branch and Congress have more accurate data on the size and characteristics of the immigrant population, the Select Committee on Population recommends that:

    - the Bureau of the Census be directed to enumerate and characterize immigrants in the U.S.;
    - techniques of indirect estimation be developed where direct enumeration is not possible;
    - the Current Population Survey be used to collect more extensive immigration data;

- increased cooperation between the INS and the Census Bureau be facilitated; and
- a joint INS-Census task force collect information about immigration so that migration patterns and the changing characteristics of immigrants to the U.S. can be identified and analyzed.

8. To reduce the incidence of visa abuse by so-called students, tourists, and businessmen, the Department of State should work with the Department of Justice to:

    - create a more effective system for screening applications for non-immigrant visas, comparable to but not as stringent as the system employed in issuing immigrant visas;
    - evaluate the system of annotating visas for Puerto Rico only; and
    - standardize data collection and processing systems to facilitate pinpointing of potential sources of visa abuse.

9. Because of the inadequate data base available for the formulation of immigration-related policy, the Select Committee sees a clear need for an intensive expert evaluation of Federal capacities in the area of immigration data and analysis.

    - A Panel on Immigration Data and Analysis should be established within the Committee on National Statistics of the National Academy of Sciences to study the current state of the immigration data and means of improving the data base. The Select Committee recommends expenditure of approximately $300,000 for the creation of this panel.

- The Office of Federal Statistical Policy and Standards should oversee implementation of recommendations of the NAS panel and the Inter-Agency Committee on Population Research should take the lead in coordinating immigration-related research.

10. The Select Committee on Population recognizes the need for a complete overhaul of the system of labor certification.

I am sending this Report to you for your review and comment. I look forward to receiving your response, which will be very helpful as we plan the work of the Committee during this Session. We would appreciate receiving your reply within the next 30 days.

With every warm best wish,

Yours,

James H. Scheuer
Chairman

JHS/jb

Enclosure

JAMES H. SCHEUER, N.Y., CHAIRMAN
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U.S. House of Representatives
SELECT COMMITTEE ON POPULATION
3507 HOUSE OFFICE BUILDING ANNEX 2
Washington, D.C. 20515

December 20, 1978

The Honorable Joseph A. Califano, Jr.
Secretary, Department of Health
Education and Welfare
Washington, D.C. 20515

Dear Mr. Secretary:

Enclosed is a copy of the Report of the Select Committee on Population entitled "Fertility and Contraception in the United States," which is a comprehensive review of family planning programs and Population research.

The Report contains several recommendations that pertain to policies and programs within the DHEW. Those recommendations, listed according to the relevant agencies, are as follows:

The Office of Population Affairs

1. DHEW should monitor and evaluate the effect of its recent sterilization regulations to protect individuals from undergoing this procedure without careful consideration, with the goal of ensuring that these regulations do not hinder voluntary and informed access to this procedure.

2. A substantial increase in funds ($4.5 million, up from $2 million) should be made available to the Department of Health, Education, and Welfare for program evaluation of family planning programs. Some of these funds should be used for basic evaluation, some for technical assistance to grantees, and some for the study of problems of particular interest to service providers.

3. DHEW should evaluate the role of private physicians in the provision of family planning services and the relative cost-effectiveness of using the private sector to serve more low-income clients.

4. Efforts should be made to strengthen existing teenage marriages. Given the high rates of teenage unemployment, low educational levels, and emotional immaturity of many married teenagers, many of these unions currently end in divorce. Programs designed to alleviate the adverse social, economic and psychological effects of early childbearing should include those adolescent couples who have decided to marry.

5. More attention should be given to the male role in the reproductive process. Males have generally been neglected -- and sometimes totally ignored -- by both researchers and service providers. More research should examine the trends of sexual acttivity and contraceptive use among male teenagers and the economic and social consequences of early fatherhood.

6. The Federal Government should encourage the development of effective programs in family life and sex education. While Federal intervention in State and local decisions concerning family life and sex education is not warranted, the development of model programs that could be adapted to the needs of individual communities -- coupled with technical assistance and the development of resource materials, training, and evaluation -- will provide useful assistance for local decisionmaking and implementation of family life and sex education.

7. Programs in family life and sex education should include discussion of the entire range of social, emotional, psychological, moral, and ethical aspects of sexual behavior, as well as the use, risks, effectiveness, legal status, and social and emotional consequences of all contraceptive methods.

8. Programs should be developed to assist parents in educating their children and to allow parents to contribute to the development of school or community family life and sex education courses. Although many parents lack the information or confidence to discuss sexual matters adequately with their children, they have a legitimate interest in officially sanctioned discussions of these matters that may occur outside of the home.

9. The Federal Government should support family life and sex education efforts sponsored by private community organizations and religious groups, as well as programs in public schools. Many of these efforts currently receive minimal, if any, government funding.

10. Efforts should be made to develop programs that are particularly suited to the needs of young teenage males. Adequate consideration of these needs should involve curriculum research and demonstration projects under the Special Projects Act, Title IV-C of the Elementary and Secondary Education Act.

11. The Federal Government should support the development of training programs for family life and sex education teachers. Such programs could be funded through the Special Education Act to increase the number and quality of sex education instructors.

12. Additional support for program evaluation is also needed to identify program components and methods that best achieve stated goals in family life and sex education.

13. The Federal Government should place coordination responsibility for family life and sex education in a single unit, such as the Office of the Deputy Assistant Secretary for Population Affairs (DASPA) at DHEW. Thus far, funding in this area has been administered through a variety of Federal grant and contract programs with other basic priorities; coordination of these fragmented efforts would improve accountability and effectiveness.

14. The organization and management of federally supported services for pregnant teenagers and their children should be reevaluated. While coordination within DHEW of the currently scattered programs would appear to be useful, integration of services alone may not reduce the negative health and social consequences of adolescent pregnancy.

15. Funding for developing family life and sex education programs through the Center for Disease Control should be increased to $10 million for FY 79.

16. Changes in the Adolescent Health, Services, and Pregnancy Prevention and Care program should be made to improve the potential effectiveness of this program:

    - More specific guidelines for the evaluation of funded programs should be provided.
    - Research under the Act should be exempt from the Office of Management and Budget clearance process to avoid the unnecessary delays associated with the questionnaire approval in the past. Internal review procedures, which already exist, should be maintained.

17. The Federal Government should study ways of promoting greater involvement in contraceptive research and development by public agencies. Current Federal contracts and grants with such organizations provide little incentive for them to participate in development of contraceptive products.

The Office of Family Planning

1. DHEW should make a more substantial commitment to providing infertility services for all who cannot obtain them for themselves. Such services should not compete for funds with pregnancy prevention services.
2. DHEW should prepare and widely distribute public service messages concerning the availability of family planning and its medical and socioeconomic advantages as well as the availability of infertility services.
3. The Office of Family Planning should expand the training of nurse practitioners and encourage States to remove legal barriers to the effective utilization of such personnel in family planning counseling and services.

4. DHEW should devote more resources to the urgent need for contraceptive services among rural women.

5. DHEW should attempt to determine the unmet demand for subsidized infertility services, voluntary sterilizations, and counseling in periodic abstinence methods.

6. Fundamental changes in service delivery strategies should be made in order to reach the unserved population in need. Even where family planning services are available, it cannot be assumed that young people -- even when motivated -- will use them as they are currently provided. Reevaluation of current family planning service delivery should focus on:

   - o characteristics of typical family planning which constitute "barriers" to access on the part of many adolescents;
   - o legal impediments to the provision of services to minors in many places; and
   - o factors not related to specific service delivery procedures or policies which contribute to the lack of motivation among many teenagers to utilize available services.

7. The Federal Government should increase support for non-traditional approaches to providing family planning services for adolescents, including comprehensive teenage centers and new ways of distributing contraceptives. While efforts to make existing family planning clinics more acceptable to teenagers are needed, alternatives to clinics -- such as the use of vending machines for condoms and foam -- also deserve attention through funding and evaluation.

8. Special efforts should be made to provide family planning services and information to young boys. Most of the current family planning programs focus almost exclusively on services for females.

The National Institute for Child Health and Human Development

1. DHEW should increase emphasis on the provision of male contraceptive research and services, support out-reach activities to attract males to these services, and involve men more actively in the family planning decisionmaking process.

2. The Select Committee strongly urges that the Center for Population Research reassess the current allocation of research funds with a view toward funding a higher proportion of approved grants in the social sciences. Reaching the almost 4 million unserved women and teenagers at risk of pregnancy is as much a problem of motivation and acceptability of contraception as it is a question of available contraceptive technology.

3. The DHEW interpretation of the mandate of the Center for Population Research should be expanded to include all aspects of population dynamics, including the impact of mortality and migration as well as fertility. Support for extramural research projects should reflect that expanded interpretation.

4. In accordance with the professional judgment of the Scientific Director of the Intramural Research Program at the NICHD, in-house research in the behavioral sciences should be expanded considerably. This expansion might include the establishment of a Demographic Research Branch which would conduct research in the social sciences on topics relevant to current issues involving population change and distribution. Staffing of this branch might include four highly qualified demographers and appropriate support staff.

5. A study should be undertaken by the appropriate governmental agency to determine:

   - the quality, competence, and numbers of professionals now available to participate in population research;

   - the present employment opportunities for these professionals; and

- the future needs and prospects for professionals in this field.

This information would be useful in determining the wisdom and advisability of Federal research funds to training new professionals in population research.

6. Social sciences research on the causes and consequences of adolescent pregnancy and sexuality should be expanded. We need better evaluations of comprehensive programs for young mothers and their children and more knowledge about policy alternatives for reducing the adverse social and economic effects of early childbearing.

7. In order that research on adolescent pregnancy be conducted more efficiently, the Center for Population Research of the National Institute of Child Health and Human Development should develop a systematic program to collect data from existing studies, generate additional relevant data, and provide those data to all interested analysts and policymakers.

8. Studies should be undertaken by DHEW to determine if oral contraceptive use is particularly hazardous for young teenage girls. Currently, there are no definitive studies on the safety of oral contraceptives for young developing adolescents.

9. The CPR and appropriate non-governmental organizations should assign high priority to the development of contraceptives appropriate to the specific needs of adolescents.

10. Further social science research should be conducted in areas such as:

    - the cognitive and psychological development of children, in order to design programs suited to their educational needs in relation to family life and sex education;

    - the development of techniques for the measurement of knowledge, attitudes, and behavior among teenagers; and

- more definitive assessment of the effects of family life and sex education on adolescents' knowledge, and the effects of that knowledge on sexual and contraceptive behavior.

11. Contraceptive researchers in the United States should continue to make the safety of American women and men their first priority. There is a growing concern that the risks associated with certain contraceptive methods -- the hormonal agents and intrauterine devices in particular -- may not be reasonable in comparison to the benefits. Efforts should be made to improve the safety of these most effective methods and to improve the efficacy and acceptability of methods that are not known to be associated with hazardous side effects, such as the barrier and periodic abstinence methods.

12. A broader range of acceptable methods of contraception for males should be an important focus of investigation. The "contraceptive revolution," while providing many more couples with effective means of fertility regulation, also has made women disproportionately responsible for contraceptive use.

13. Further effort should be made to investigate more acceptable methods of fertility regulation for adolescent males and females, for postpartum women, and for women over 35 years of age. Applied research to find such methods should focus on the adaptation of existing technologies as well as the development of new techniques.

14. More research should be done to explore the possibilities for reversible voluntary sterilization procedures. Many experts believe reversibility would greatly increase the demand for this method of contraception among both males and females.

15. Attention should be given to the possibility of developing contraceptive methods that do not require assistance from physicians or nurses. Such methods would benefit many Americans, in terms of convenience, acceptability and cost.

16. Measures should be taken to increase the acceptability of the current array of contraceptives for American men and women, especially teenagers, given the general consensus that research efforts will not lead to any major breakthroughs in contraceptive technology for at least another five years. Such measures might include:

    - o further research on motivation and acceptability;
    - o further research to improve the ways to provide family planning services;
    - o further research on the relative risks and benefits of existing methods;
    - o improved dissemination of knowledge through mass education programs and package labeling for consumers and physicians, to ensure informed use of contraceptives; and
    - o better training for family planning counselors and family planning services personnel, recognizing the importance of adequate instruction and counseling for the effective use of any contraceptive method.

17. The Federal commitment to fundamental research in the reproductive sciences should be clearly affirmed through stable, long-term support for programs such as those conducted at the Population Research Centers. Lack of fundamental knowledge has been cited as the factor most responsible for the absence of new breakthroughs in contraceptive technology, and opportunities are currently limited for research careers in the sciences relevant to reproduction and population dynamics.

18. The NICHD should develop a new system for determining Federal priorities and policies in the field of reproductive and contraceptive research. Such a system should elicit opinions and advice from a wide range of sources, including consumers and representatives of the scientific community.

19. Efforts should be made within the NICHD to include more qualified women scientists at all levels of both extramural and in-house contraceptive research and development, since the majority of that research focuses on contraceptive technology for women.

I am sending this Report to you for your review and comment. I look forward to receiving your response, which will be very helpful as we plan the work of the Select Committee during this Session. We would appreciate receiving your reply within the next 30 days.

With every warm best wish,

Yours,

Jim

James H. Scheuer

cc: Irv Cushner
Bill White
Donald Fredrickson
Norman Kretchmer

Union Calendar No. 977

95th Congress, 2d Session - - - - - - - - - - House Report No. 95-1843

SURVEY OF ACTIVITIES

OF THE

SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS
U.S. HOUSE OF REPRESENTATIVES

DURING THE

NINETY-FIFTH CONGRESS, 1977-1978

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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U.S. GOVERNMENT PRINTING OFFICE
39-828 O WASHINGTON : 1979

SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

U.S. HOUSE OF REPRESENTATIVES

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LETTER OF TRANSMITTAL

SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 2, 1979.

Hon. EDMUND L. HENSHAW, Jr.,
Clerk, U.S. House of Representatives,
Washington, D.C.

DEAR MR. HENSHAW: Transmitted herewith is a report entitled, "Survey of Activities of the Select Committee on Congressional Operations, U.S. House of Representatives, during the Ninety-fifth Congress, 1977–1978," submitted pursuant to the requirements of rule XI, clause 1(d).

Sincerely,

JACK BROOKS, *Chairman.*

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PREFACE

This is the first activities report required to be submitted by the Select Committee on Congressional Operations pursuant to House rule XI, clause 1(d).

To assure maximum readability and comprehension, the report has been prepared in narrative form, describing briefly the major aspects of Select Committee activities during the 21 months since its establishment in March 1977. Those activities consist primarily of services, studies, and publications, all of which are aimed at advancing the objective for which the Select Committee was established: to find ways of improving and strengthening the organization and operations of the Congress.

Illustrations and additional details of the Select Committee's activities are included in the Appendix to this report.

The Select Committee invites suggestions from the Members, committees, and officers of the House with respect to any of its activities, past, present, or prospective.

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[illegible]

[illegible]

[illegible]

[illegible]

95TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 95-1843

SURVEY OF ACTIVITIES OF THE SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS, U.S. HOUSE OF REPRESENTATIVES DURING THE 95TH CONGRESS, 1977-1978

JANUARY 2, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Select Committee on Congressional Operations, submitted the following

REPORT

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CTIVITIES OF THE SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS FOR THE 95TH CONGRESS

Summary

The Select Committee on Congressional Operations was established
ly in the 95th Congress when the House approved, on March 28,
77, H. Res. 420.[1] In the words of the resolution, the fundamental
rpose of the Select Committee is "to continue the work of the Joint
mmittee on Congressional Operations * * * [and] to perform the
nctions of such joint committee for the House."

Accordingly, the Select Committee's responsibilities fall into four
jor categories:

. Improving the organization and operations of the Congress, sim-
fying its operations, developing cooperation between the House and
nate, improving relationships with the Executive and Judicial
nches, and enabling Congress to meet its constitutional
ponsibilities;

I. Reporting on court proceedings and actions of vital interest to
Congress;

II. Recommending more rational combinations of the jurisdictions
House committees, more equitable distribution of workloads among
committees, and ways of rationalizing committee jurisdictions be-
een the House and Senate; and

V. Operating the Office of Placement and Office Management.

he Select Committee has no legislative jurisdiction. As the insti-
ional committee of the House, it devotes its time and attention
lusively to strengthening the institution and improving its opera-
ns.[2]

During the first 21 months of its existence, Select Committee activi-
have been highlighted by the following:

The completion of a comprehensive study of the organization and
erations of the General Accounting Office—aimed at improving
O services to the Congress—and publication of a report containing
eral major recommendations, most of which are now being imple-
nted by the agency.

The development of a closed-circuit television system for the House
ich provided uninterrupted coverage of daily House proceedings
m its inception in March 1977, to the conclusion of the 95th Con-
ss in October 1978, and which led directly to House approval of
Res. 866 in October 1977, which authorized a permanent closed-
cuit system in the House and ultimate broadcast coverage for the
lic under the direction and control of the Speaker.

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ee Appendix A for text.
ee Appendix B for Rules of the Select Committee.

- The establishment of the Congressional staff journal, STAFF, as a monthly publication providing professionally useful information to the professional staffs of the Congress and its subsequent growth to a current circulation of 9,000 copies.
- The organization and coordination, on behalf of the Majority and Minority Leadership of the House, of the most comprehensive orientation program ever provided for newly elected Members of the House.
- The development and publication of *Working in the House*, a guide for new employees of Members and committees of the House.
- Extensive preparatory work leading to the development of a comprehensive computer data base covering all aspects of the operations and activities of House standing committees—to be used as a tool for the analysis of the jurisdictions and workloads of House committees.
- The provision of a more extensive series of staff training and orientation programs.
- The development and implementation of a Travel Service Office providing one-stop service for Members and committees requiring transportation, accommodations, and related arrangements for purposes of travel on official business.
- The completion of a study, conducted jointly with the House Information Systems of the Committee on House Administration, of the feasibility of using micrographics technology to improve the operations of Members' offices; a joint report, with recommendations, will be issued early in the 96th Congress.
- The completion of a study, together with a report and recommendations, exploring the potential benefits to the House of providing centralized storage facilities for Members, committees, and officers.
- The publication of *Congressional Press Relations*, a comprehensive guide through the complexities of dealing with the media for press assistants to Members and committees.
- The initiation of a study designed to evaluate and improve the services provided Congress by the legislative liaison offices of the departments and agencies of the Executive Branch.

Additional information on the activities summarized above, and on the numerous continuing activities of the Select Committee, is included in a subsequent section of this report.

BACKGROUND

The Select Committee's immediate predecessor, the Joint Committee on Congressional Operations, was established by the Legislative Reorganization Act of 1970 [3] to be the institutional committee of the Congress, to carry on the work of the Joint Committee on the Organization of the Congress in order to find ways of enabling the Congress "to meet its responsibilities under the Constitution of the United States."

Although the Joint Committee was the product of statutory law, the Senate unilaterally signalled its demise when, in February 1977, it approved S. Res. 4, to reorganize that body's committee system. The reorganization measure, in addition to rearranging and consolidating the jurisdictions of most of its existing committees, directed the appropriate committee to report, by July 1, 1977, legislation terminating the statutory authority of several joint committees of the Congress, includng the Joint Committee on Congressional Operations and transferring their functions to the appropriate standing committees of the Senate and the House.

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[3] See Appendix C for text.

Subsequently, the Senate Committee on Rules and Administration reported, and the Senate approved, the bill, S. 1608, to abolish the Joint Committee on Congressional Operations and to transfer certain of its functions to the Rules and Administration Committee. The House took no action on this legislation.

In an unusual, if not unprecedented departure, however, S. 1608 authorized the Rules and Administration Committee to cooperate with, or act jointly with, any committee of the House which provided services similar to those functions transferred from the Joint Committee to the Rules Committee. These included: preparation and publication of the *Congressional Handbook*, the operation of the Congressional Placement Office, and the tracking and reporting of court proceedings and actions of vital interest to the Congress.

While Senate legislative history is notably unrevealing of that body's motives for eliminating the Joint Committee on Congressional Operations—aside from the general objective of reducing the number of committees on which Senators serve—a major factor was the belief of some Senators that the Joint Committee had spent a disproportionate amount of its time during the 94th Congress (1975–76) on exclusively House business.

This situation arose as a result of House action approving the Committee Reform Amendments of 1974 (H. Res. 988). Among its numerous provisions,[4] H. Res. 988 assigned to the five House members of the Joint Committee the continuing responsibility for studying and recommending to the House Rules Committee changes in the jurisdictions and workloads of House standing committees. More importantly, the resolution also created the House Commission on Information and Facilities, provided that the nine members of the Commission should include the five House members of the Joint Committee, and required that the staff of the Joint Committee also serve as the nucleus of the Commission staff.

Consequently, throughout the 2-year life of the Commission (1975–76), much of the Joint Committee's energies were necessarily devoted to Commission activities. In determining those activities, however, Commission members from the beginning selected and emphasized studies and projects, especially in the area of information resources, which would prove beneficial to both Houses of the Congress. These included, by way of example, extensive studies of three Legislative Branch support agencies—the Office of Technology Assessment, the Congressional Research Service, and the Congressional Budget Office—the development, as a pilot project, of a Congressional staff journal which gave equal attention to both bodies, the publication of comprehensive inventories of information resources available to the Congress, and the development of new applications of computer technology to meet the information and communications needs of the Congress.

It should be noted, moreover, that the Senate, in agreeing to Public Law 93–554, concurred in assigning to the Joint Committee the leading role in the operations of the House Commission on Information and Facilities.

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[4] See Appendix D for relevant provisions.

ACTIVITIES IN THE 95TH CONGRESS

In terms of the substance of the activities of the Select Committee on Congressional Operations, the transition from Joint Committee to House Select Committee during the past Congress has been a natural one. Aside from stressing a House context and perspective where appropriate, there were few significant changes either in the jurisdiction or the methods of operation of the Select Committee. Though language was added to the authorizing legislation prohibiting the Select Committee from engaging in activities which would duplicate those of other organizations in the House, this restraint had always been characteristic of Joint Committee project selection process simply on pragmatic grounds. In fact, in the day-to-day implementation of its functions, the Select Committee not only has observed the requirements of the new language, but has placed positive emphasis on developing cooperative and mutually supportive relationships with many of the committees of the House.

The Select Committee has also been guided by new language in its authorizing resolution which specified as one of its purposes the development of cooperation between the House and Senate. The Select Committee entered into arrangements with the Senate Rules and Administration Committee whereby the Select Committee agreed to continue producing the Senate Handbook, making available to the Senate the facilities of the Congressional Placement Office, and sharing with the Senate the Select Committee's periodic reports on court cases affecting the Congress. It was also a factor leading the Select Committee to continue publishing STAFF as a service to the entire Congress, since the broader scope not only expands the publication's value to all readers but also enables STAFF to serve as a significant communications link between the staffs of two bodies which are—in constitutional fact, if not always in individual perception—parts of the same institution.

In selecting, and carrying out its activities in the 95th Congress, the Select Committee, as was the case with its predecessor committee, emphasized the practical, as opposed to the merely theoretical or academic. Wherever appropriate, the Select Committee's studies, projects, and other activities have been guided by the principle that more can be accomplished of lasting value to the Congress and its Members by providing services and products which meet identifiable and substantial needs.

The following section includes a summary of each of the Select Committee's activities during the 95th Congress under the heading of the appropriate category of the Select Committee's jurisdiction.

I—ORGANIZATION AND OPERATIONS OF CONGRESS

The Select Committee's major—though not exclusive—focus in this area has been the effort to improve the quality, availability, and usefulness of the information required by the Congress to support its legislative, oversight, and representational responsibilities.

Study of the General Accounting Office

This was the fourth in a series of studies of the organizational effeciveness and the adequacy of service of the four Legislative Branch upport agencies which are, collectively, Congress' principal source of nformation and analysis. The study of the General Accounting Office was preceded by similar studies (and published reports) of the Office f Technology Assessment, the Congressional Budget Office, and the Congressional Research Service. All have been designed to assess the quality of agency activities on behalf of Congressional clients and to ecommend ways of improving their services.

In its report (H. Rept. 95–1317) [5] on the GAO study, the Select Committee found that the agency, generally, was well managed and provided valuable analytical and evaluative support to the Members nd committees of the Congress. The report also identified a number f areas in which improvement was necessary and feasible. The Select Committee was especially concerned about the need to improve the imeliness of GAO reports to Congress and to enhance the agency's apacity to provide both "quick response" assistance and broader, more comprehensive studies of major, multiagency program areas. Specific recommendations covering these and other matters requiring management attention were included in the report.

GAO's response to Select Committee recommendations has been notably positive and substantial. Upon completion of the study, the gency formed a task force for the purpose of reviewing Select Committee findings and those of other Congressional studies and of finding ways of implementing recommended improvements. Appendix F of his report is the text of a recent letter from the Comptroller General o the chairman of the Select Committee reporting, in considerable deail, GAO's progress in this endeavor.

The Publication STAFF

This monthly publication represents a continuing Select Committee ffort to provide professionally useful information for the profesional staffs of the Congress, embracing a broad range of staff acivities and interests.[6]

Established as a pilot project by the House Commission on Informaion and Facilities in the 94th Congress, the Select Committee acepted the Commission's recommendation that the publication be issued n a regular monthly basis. Following the first 5 pilot issues, the Select Committee has published 16 issues of STAFF during the 95th Congress. Early in the 96th Congress, a cumulative index to the 21 issues will be published in the expectation that much of the journal's conents will have continuing value, especially to new employees of the Congress.

Illustrative of the range of subjects covered by STAFF, the magaine has published articles on: the oversight strategies and procedures f House and Senate committees, the roles of House and Senate committees dealing with the rules and administration of the two bodies, innovative ideas employed in the management of Members' offices, trends in the operation of District and State offices, information resources available from the Legislative Branch support agencies, Congressional press relations, the development of closed-circuit television in the House, the functions of the Offices of Legislative Counsel in the House and Senate, parliamentary procedures in the two Houses, new applications of computer technology in the Congress, opportunities and facilities for exercise available to Congressional staffs, ways and means of handling large groups of visitors to Capitol Hill, suggestions for utilizing the services of summer interns, and a host of others.

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[5] See Appendix E for text of findings and recommendations.
[6] See Appendix G for an illustration of STAFF's contents and format.

Regular features of STAFF include: an extensive book and magazine article review section, a monthly calendar of events, briefs of current court cases affecting Congress, and most recently a monthly selection, briefly annotated, of GAO, CRS, OTA, and CBO reports deemed to be of exceptional quality and wide interest.

Two developments of special significance marked the growth of the publication during the 95th Congress: a substantial increase in the number of contributions from outside the staff of the Select Committee, in keeping with the committee's objective of broadening participation in the production of the magazine, and an increase in its circulation to 9,000 copies monthly. Most copies are distributed by mail directly to the offices of Senators and Representatives, committees and subcommittees, House and Senate officers, and other Congressional offices including the four support agencies. Additional copies are made available at House and Senate cafeterias.

Staff reception of the journal continues to be favorable. The Select Committee receives numerous positive comments about each issue and handles a steady flow of requests for extra copies or reprints of particular articles. Some offices report they reproduce additional copies to assure that each staff member has an individual copy. Others copy STAFF articles to respond to constituent requests for information about the Congress.

Congressional Press Relations

In the course of producing STAFF, the Select Committee researched and prepared a series of nine articles detailing the practices and procedures of media representatives who cover the Congress and describing ways in which Members and staffs can improve communication with the public through more effective use of the media. The series included articles dealing with the national and regional press, the wire services, radio and television, press conferences, and the like.

Following publication of the series, and in response to widespread interest in the information, the Select Committee reprinted the articles in a single publication entitled, *Congressional Press Relations.*[7] The publication has been distributed to all Congressional offices.

New Member Orientation Program

Building on the Joint Committee's limited participation in an orientation program for newly elected Members of Congress 2 years ago, the Select Committee in 1978 played a major role in organizing and coordinating the most extensive series of orientation programs ever offered to new Members.

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[7] See Appendix H for an illustration of the cover of *Congressional Press Relations.*

With the active support of the leadership of both parties in the House, and the cooperation of several official and unofficial organizations sponsoring orientation activities, the Select Committee provided information, support, and coordinating services. It prepared, updated and distributed schedules of events throughout the orientation period and helped to eliminate duplication of activities and minimize scheduling conflicts. During the week of the early organizational Democratic Caucus and Republican Conference, the Select Committee operated an extensive centrally located "service center" for new Members, providing desk space, telephones, and secretarial assistance and manning a message center. It also assisted new Members in finding and interviewing prospective staff employees.

Most notably, the Select Committee cosponsored with Harvard University's Institute of Politics a week-long residential program of seminars in Cambridge, Mass.,[8] on domestic and foreign policy issues. Thirty-seven new Members participated in the program which featured prominent members of the faculties of Harvard and the Massachusetts Institute of Technology, specialists from the Brookings Institution and the Congressional Research Service, and Administration officials. The seminars covered 19 policy areas including the budget process, separation of powers, the economy, energy, inflation, defense policy, regulatory activities, social security and welfare, and foreign policy.

The Select Committee also organized an extensive series of panel sessions for new Members dealing with procedural and organizational matters. Although the prolonged Democratic Caucus forced the postponement of this program, the Select Committee has rescheduled it for late January 1979. At that time, eight panels consisting primarily of experienced Members of the House—will discuss the budget process in the House, the legislative process in committee and on the House floor, office organization, the work of Members' offices, information resources and computers, institutional standards, and communication with the public.

Closed-circuit Television

At the adjournment of the 95th Congress, closed-circuit television coverage of its daily proceedings had become an accepted and valued fixture in the House. Developed by the Select Committee with the support of the Speaker and the cooperation of the Architect of the Capitol, the television system provided unbroken coverage of House proceedings from its inauguration on March 15, 1977, through the close of the second session on October 15, 1978.

Throughout most of this period, the system was an experimental one, utilizing three black-and-white security cameras extra sensitive to light. Reception of the activities from the House Chamber was limited to the Rayburn House Office Building and selected offices in the Capitol Building. Before the end of the year, however, wiring of the Cannon and Longworth House Office Buildings had been completed, the wiring of the Capitol Building and the re-wiring of the Rayburn Building were underway, and planning and procurement for a permanent system was well advanced.

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[8] See Appendix I for the full program.

The first stage in the development of closed-circuit television began with the Speaker's authorization of a 90-legislative-day experiment in March 1977. The test was completed on September 15 and the Select Committee filed its report (House Document 95–231) on September 27, 1977.[9] On the basis of the live test, previous Joint Committee and House Rules Committee studies, and an extensive Select Committee survey of the House membership, the Select Committee reported that television coverage was technologically feasible, politically inevitable, potentially valuable both as an information resource for Members and staffs and as a means of improved public understanding, and widely supported by Members of the House.

The Select Committee cautioned, however, against constructing an over-elaborate, or highly obtrusive television system. It urged that undue interference with Members or with the proceedings on the House floor be carefully avoided. It argued that modern technology made it possible to develop a high quality system which could satisfy both the needs of the House and those of commercial and public broadcasters and accommodate internal telecommunications applications, at a modest cost—specifically, somewhat under $1 million.

Among its specific recommendations, the Select Committee proposed that a permanent television system be developed by the House, that it be operated under the direction and control of the Speaker, that the coverage be made available on a nonpolitical, noncommercial basis to the general public both live and recorded, that such coverage be complete and unedited and focus exclusively on the official action in the House Chamber.

Subsequently, H. Res. 821 was introduced to implement the Select Committee's recommendations, and referred to the Committee on Rules which gave it prompt consideration. A somewhat revised measure, H. Res. 866, which embraced most of the Select Committee's recommendations, was reported favorably and was approved by the House on October 27, 1977, by a vote of 342 to 44. The resolution authorized the Speaker to develop and implement both a closed-circuit television system for the House and a broadcast system to permit public viewing of House proceedings.

The resolution also directed the Committee on Rules to conduct a further study of alternative ways of providing for broadcast coverage. The committee reported the results of its study in early February 1978, and recommended that operation of the broadcast system remain within the House under the direction and control of the Speaker.

This issue was raised again during House consideration of the Legislative Appropriations Act for 1979. On June 14, 1978, the House defeated, 249 to 133, an amendment that sought to prohibit the use of funds to purchase new color television cameras and related equipment for broadcasting House proceedings except by prior approval of the House. The House thereupon adopted an amendment, 235 to 159, which prohibited the use of funds to implement a system for televising House proceedings under which cameras purchased by the House are controlled by persons not employed by the House.

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[9] See Appendix J for the text of the Select Committee's findings and recommendations.

As authorized by H. Res. 866, the Speaker has appointed an informal, ad hoc group of three Members to advise and assist him in the implementation of the resolution. The group includes the chairman of the Select Committee.

Telecommunications

In addition to television coverage of the House, H. Res. 866 further implemented Select Committee recommendations by authorizing the development of a telecommunications capability utilizing the closed-circuit television system which will consist of approximately 39 channels or frequencies in a two-cable distribution system. When completed, the cable system will permit audio, video, and data transmission and reception at any point along the system and will also provide for distribution of signals or images originating from outside the Congress. From time to time during the 95th Congress, Select Committee personnel participated in the development of this system.

Congressional Handbook

From the time it was first published by the Joint Committee on Congressional Operations in 1972, the *Congressional Handbook* has been the standard source of reference information on the administrative and management needs of Congressional offices. Noted for its comprehensiveness and accuracy, the Handbook includes information on all aspects of the Congressional allowance system, compensation, benefits, services, office equipment, travel, district offices, office management, information sources, communications, rules and regulations, mailing standards, and related subjects.[10]

Individual editions are published for the House and Senate. Continuously updated, revisions are printed and distributed four times a year, and completely new editions are published prior to the convening of each Congress. The Handbook is published in a loose-leaf format to facilitate use and periodic insertion of new and revised material.

During the 95th Congress, the Select Committee added a substantial amount of new material to the Handbook and began an assessment of the advantages of utilizing a computer in the preparation, revision, and printing of the Handbook in order to achieve a higher degree of currency and accuracy.

A Guide for New Employees

The Select Committee's newest publication, *Working in the House: A Guide for New Employees*, was published for the first time in late 1978 as an effort to ease and simplify the orientation of new personnel to the complexities of employment in the House. It is designed, also, to be of value to more experienced employees.

The new manual includes information on employee responsibilities, benefits and services, a guide (with an accompanying map) to Congressional office buildings, a list of reference publications, a guide to the legislative process, a description of the organization of the House and the jurisdictions of its committees, a review of the services available to Congress from the Congressional support agencies, and a glossary of Congressional terms.[11]

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[10] See Appendix K for the cover page and table of contents of the November 1978, edition of the Handbook.

Like the Handbook, the Guide is published in loose-leaf format and will be revised on a regular basis.

Information Inventories

Preparations are currently underway for an extensive revision and updating of the 4-volume *Inventory of Information Resources and Services Available to the House of Representatives* which was published in 1976 by the House Commission on Information and Facilities with the assistance of the Congressional Research Service and the General Accounting Office. It includes an annotated and indexed compilation of thousands of entries identifying and describing the kinds of policy-related information available from publications, computer data bases, and other sources in the House, the Legislative Branch, the Executive Branch, and private organizations. The usefulness of the inventory was confirmed by the decision of a commercial publisher to reprint the series in full.

Congressional Liaison Offices

During the second session of the 95th Congress, the Select Committee initiated an extensive study of the origins, organization, functions, and quality of service of the Congressional liaison offices of Executive Branch departments and agencies.

Congressional liaison offices occupy a critical position in the provision of information and assistance to Members and committees in carrying out the Congress' legislative, oversight, and representational responsibilities. In their operations, liaison offices vary greatly in terms of quality of service and responsiveness to Congressional needs. A contributing factor may be the potential conflict of interest which exists insofar as liaison offices serve two masters—not only assisting Congress but promoting their agencies' policies before the Congress.

In the absence of government-wide standards governing the operation of liaison offices or of statutory requirements imposed by the Congress, the Select Committee study is designed to determine the adequacy of services provided by liaison offices and to find ways of improving those services. To date, the study has accomplished the following:

- Surveyed the published literature on the subject of Congressional-Executive relations;
- Prepared, with the assistance of the Congressional Research Service, a background study on the origins and development of relations between the two branches;
- Surveyed House Members and committees with respect to—(a) their views on the purposes and functions of Congressional liaison offices, and (b) their evaluations of individual services provided by specific liaison offices with which they are most familiar; and
- Conducted, with the assistance of the General Accounting Office, in-depth interviews with a selected number of agency liaison office officials to determine those factors which account for successful (as perceived by Congressional clients) operations and those which account for the lack of success.

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[11] See Appendix L for title page and table of contents.

Following an analysis of this information, the Select Committee expects to survey all liaison offices to determine the extent of their functions, workloads, and resources.

Records and Papers of Congress

At the request of several Members of Congress, the Select Committee in 1978 initiated a comprehensive study of the preservation, disposition, and public access to the retired records of the House and the papers of its Members.

The Select Committee undertook this study fully recognizing that the Congress already and routinely places more of its business in the public record than any other branch of Government. Through the publication of committee hearings, committee reports, and the daily debates in both Houses, and the conduct of meetings, hearings, and conferences in open session, a substantial proportion of the proceedings, activities, and decisionmaking of the Congress is available to the public in a timely and accessible fashion.

Nevertheless, the Select Committee has found considerable evidence to support the view that the House has not devoted inadequate resources to the management of its unpublished records; that rules governing public access to stored records may be obsolete; that House committees follow inconsistent practices in determining which records to preserve or destroy; that no systematic assistance is available to Members who desire to make their papers accessible to the public following retirement; and that scholars and researchers have often been unable to obtain records which are needed to present accurate and objective information about historically important events in which the House and its Members have played important roles.

During the course of this study, the Select Committee has consulted with and received generous cooperation and assistance from personnel of the Office of the Clerk of the House, the National Archives and Records Service, staff of many House committees, officials of the Senate responsible for records management, and numerous private librarians, archivists, historians, and other professionals in the field.

In view of the importance of the subject, both to individual Members and the institution, the Select Committee is preparing for public hearings early in the 96th Congress. The committee expects to have a substantial base of information on which to propose a series of practical recommendations to improve the management of Congressional records and papers and to enhance public access.

II—COURT PROCEEDINGS AFFECTING CONGRESS

The "litigation explosion"—the growing tendency to resort to the courts to resolve social as well as legal issues—has become a serious problem for the Congress. More than ever before, Members, committees, officers and employees of the Congress are becoming involved in a wide variety of court actions, both as defendants and plaintiffs. The outcome of many of these cases significantly affects the Congress as an institution. The Select Committee fulfills an important function as a source of continuing, up-to-date information, analysis, and consultation on these court proceedings and actions.

Court Reports

The Select Committee calls to the attention of the House those court proceedings or other actions which the committee considers of vital interest by means of printed reports issued three times a year. Each report summarizes, in the form of legal briefs, cases of concern to the Congress which are pending in the judicial system.

For those cases decided since publication of the most recent report, the reports include the full text of the decisions and any accompanying opinions. Each volume is indexed.[12]

When cases of major institutional concern to the Congress are decided—such as *U.S.* v. *Nixon*—the Select Committee publishes a special report, as soon as possible after the court's decision, including the texts of all opinions and the important filed in the case briefs.

In addition, through the medium of "Dear Colleague" letters, the Select Committee brings to the attention of Members those major regulatory actions and rulings considered to be of institutional concern to the Congress.

Computer Retrieval of Court Reports

In order to achieve greater economy, accuracy and efficiency in the preparation and printing of its court reports, and to make them more readily available to Members and staffs, the Select Committee has designed—and is in the process of implementing—computer programs for editing and printing the court reports and for retrieving all or parts of the reports "on line" through Members' computer terminals.

Consultation Sevices

As an ancillary, but important service to the Congress, the Select Committee's legal staff regularly consults, upon request, with Members and their staffs about pending and past court cases and their implications for the Congress. The Select Committee also makes available its extensive files of briefs, motions, rulings, and other background materials upon request.

Publication of Committee Rules

Understanding of the rules of committee procedure is an invaluable tool for the effective performance of Members' and staffs' responsibilities for legislation and oversight. In order to increase accessibility to the rules of House and Senate committees, which heretofore have been available only in the individual committees' publications and interspersed through many different editions of the *Congressional Record*, the Select Committee in 1977 compiled the rules of all House standing committees in a single volume and the rules of Senate standing committees in a companion volume.[13]

Continuing Legal Education

Toward the end of the 95th Congress, the Select Committee began exploring ways it might assist in the provision of opportunities to meet

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[12] See Appendix M for title page and table of contents of the September 1978 edition.

[13] See Appendix N for title pages.

ontinuing legal education requirements imposed by a growing num-
er of States on members of the legal profession. Recognizing that
any of the lawyers among the membership and staffs of the House
ay be unable to return to their home States to attend legal education
ourses, the Select Committee plans to survey Members and staffs early
the 96th Congress to ascertain the extent of their interest in a possi-
le program on Capitol Hill.

Such a program could serve not only the immediate needs of law-
ers affected by State legal education requirements, but could also
erve to upgrade participants' skills in areas of the law—antitrust and
ankruptcy, for example—which are subject to frequent legislative at-
ention by the Congress.

III—COMMITTEE JURISDICTIONS AND WORKLOADS

Four years have elapsed since the House implemented the changes
the jurisdictions of its standing committees mandated by the Com-
ittee Reform Amendments of 1974, and 2 years have passed since
e Senate reorganized its committee structure.

The Committee Reform Amendments (H. Res. 988, 93rd Congress)
posed on the five House members of the Joint Committee on Con-
ressional Operations continuing responsibility for studying the
risdictions of the various standing committees of the House and
eir relative workloads, and ways of rationalizing committee jurisdic-
ons between the two Houses of Congress, and for reporting to the
ommittee on Rules any recommendations for the more equitable
stribution of workload or the more rational combination of jurisdic-
onal responsibilities. H. Res. 420, 95th Congress, which established
e Select Committee on Congressional Operations, included this area
responsibility in the jurisdiction of the Select Committee.

In the previous Congress, the committee—

- Developed and recommended a detailed proposal for reducing conflicts in the scheduling of committee meetings and hearings which could, if implemented, assure committees of at least a minimum number of days each month when they would be assured of the opportunity of obtaining a quorum of members for the conduct of business.
- Prepared and published a study of committee investigatory powers.
- Developed and recommended changes in the House Rules which clarified the supboena powers of committee chairmen; these changes were subsequently adopted.

During the 95th Congress, the Select Committee's principal effort
s been to assemble the most comprehensive possible collection of data
all aspects of committee jurisdictions and workloads and to con-
ruct an appropriate computer data base containing this information.
uch a data base—which is now in an advanced stage of preparation—
ill enable the Select Committee to measure the workloads of House
mmittees with greater precision than ever before. It will also make
possible to relate committee workloads to committee resources (staff,
nds, etc.) and to committee activity and productivity in each area
a committee's jurisdiction.

When this data collection has been completed, the Select Committee will be able to determine (a) how each committee has used each element of its jurisdiction, (b) where duplications and overlaps of committee jurisdictions exist, and (c) how committees compare with each other along a wide range of measures, e.g. number and duration and type of meetings and hearings. Thus, the data base will provide reliable information to support the task of determining where appropriate changes in jurisdiction and workload may be recommended.

The Select Committee has received considerable assistance in its study from the House Information Systems of the Committee on House Administration, the Congressional Research Service, and the Congressional Budget Office.

In the course of constructing the data base, the Select Committee's principal obstacle has been the lack of complete and accurate data on committee and subcommittee meetings and hearings. To overcome this handicap, the Select Committee devoted a substantial portion of its staff resources during 1978 to the effort to obtain and record the data from original committee sources: committee minutes, calendars, printed hearings, and unprinted transcripts of markups and other committee and subcommittee meetings. Significant variations and inconsistencies in the ways in which committees keep their records contributed to the sizable dimension of this undertaking. In almost every instance, however, committees cooperated generously with the Select Committee in making their records available.

By the end of 1978, the major part of this data had been recorded, coded, and entered into the computer. Remaining tasks included: completing data collection from two committees, correcting computer printouts, preparing indexes of jurisdictional terms and coding the terms for entering into the computer. Subsequently, committees will be sent computer printouts of the data to confirm their accuracy.

When the system has been made operational, it will not only support the Select Committee's continuing studies of committee jurisdictions and workloads, but it will also become available, as appropriate, to other official House organizations working in related areas. This sharing of Select Committee resources would be analogous to the support which the Select Committee, in 1977, provided to the Ad Hoc Subcommittee on Select Committees of the Committee on Rules. At the request of the subcommittee, which was formed to consider several resolutions establishing new select committees, the Select Committee's staff furnished extensive documentation and analysis of the jurisdictions of standing committees which might be duplicated by the jurisdictions of the proposed new select committees.

IV—OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

The substantial growth of Congressional staffs in recent years and the high staff turnover, characteristic of a political institution whose membership is subject to biennial changes, have placed added importance on such activities as personnel recruitment, placement, training, space utilization, and all aspects of office management. Through its Office of Placement and Office Management, the Select Committee has sought to improve the quality of its continuing activities in these areas and to develop new ways of meeting the growing needs of the House.

Congressional Placement Office

The Select Committee's Placement Office serves as the Congress' incipal source of new employees, although use of the Office's services Members, committees, and officers is entirely voluntary. The Office ovides recruiting, interviewing, testing, and referral services to both ouses, and maintains offices on both sides of the Capitol.

During the 95th Congress, the Placement Office—functioning with staff which averaged 10 employees—continued to record increases in e numbers of applicants interviewed and processed, referrals from embers, and placements in Congressional staff positions. At present tes, the Office during an average month receives approximately 1,000 plications, processes about 120 job orders received from employing ices, and places nearly 50 applicants in staff positions. It should noted that offices submitting job orders to the Placement Office are ten concurrently seeking applicants from other sources, and in addin, an indeterminate number of successful placements remain unorded when employers and employees fail to report such employnt to the Office.

Specifically, during 1978, the Placement Office handled a total of ,444 visitors to its two offices; interviewed 8,267 walk-in applicants; ministered 11,247 typing and stenography tests; arranged 1,124 erviews at the request of employing offices; received 1,436 job orders om Members, committees and officers; furnished 3,649 panels of apcants; and placed at least 510 applicants in staff positions.

Increasingly, employing offices are utilizing the Placement Office fill high-level vacancies in administrative, legislative, and profesnal staff positions.

The Select Committee is currently conducting a feasibility study to ermine whether the functions of the Placement Office could be imved through the application of automatic data processing to specific erations.

Professional Listing

As an added service to prospective Congressional employers, the ect Committee compiles and distributes once a month a list of the alifications of candidates (without identification by name) for prosional positions who have applied through the Placement Office dur- the previous 30 days.[14] In 1978, the listings included the qualificans of nearly 2,000 applicants and generated requests to review more n 1,100 applications.

In addition, following the general elections in November 1978, the ect Committee distributed three listings containing information on applicants with previous Capitol Hill experience.

Management Studies

At the request of Members and committee chairmen, experienced ect Committee staff and, where necessary, outside professional contants frequently make detailed studies of the organization and option of Congressional offices.

Teams of two to four Select Committee staff—over periods of sev- weeks—observe offices' operations (e.g., correspondence, filing,

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See Appendix O for title page and sample listings of November 1978 issue.

casework, etc.) and personnel relationships, conduct confidential interviews with each staff member, study written office procedures, analyze specific functions, evaluate workloads, assess the utilization of space and equipment, and review relationships and work distribution between the Washington and District offices. Written reports are prepared and findings and recommendations discussed with Members and chairmen.

During the 95th Congress, the Select Committee staff conducted 10 complete office management studies. In addition, the staff prepared comprehensive office designs and layouts for 17 Members; conducted four studies of office filing and records management systems; recommended systems for scheduling Members' time in two cases; and studied applications of computer technology in four Congressional offices.

Staff Training

During the 95th Congress, the Select Committee developed or expanded several programs for in-service training of Congressional staffs. The most extensive of these programs consisted of two series of four 2½-day seminars for Members' administrative assistants and office managers and for committee staff directors. Each seminar, with 25 participants, reviewed basic management and leadership principles and techniques designed for small organizations, with special reference to the unique situations of Congressional offices. The first series, held in 1977, was oversubscribed by 125 applicants, and a second series was held in 1978. The Select Committee utilized the services of the widely respected American Management Association.

At the outset of the 95th Congress, the Select Committee—following the practice of its predecessor Joint Committee—offered several days of seminars for employees of newly elected Members. The seminars, featuring panel discussions which were led by experienced staff employees of incumbent Members, covered the entire range of Congressional office operations.

Prior to the end of the 95th Congress, the Select Committee had completed the planning of a more extensive series of seminar sessions for the anticipated large group of new employees of newly elected Members of the 96th Congress.

The Select Committee has also developed a close working relationship with the House Administrative Assistants' Association and has provided staff and resource support for the Association's training programs.

Throughout the 95th Congress, Select Committee staff consulted regularly with personnel of the Congressional Research Service in developing and conducting staff training programs and participated in several such programs sponsored by CRS.

Publications and Materials Storage

At the request of the Speaker and the Legislative Appropriations Subcommittee, the Select Committee during 1977 organized and supervised a continuing effort to remove surplus publications and other materials from corridors, halls, and other public spaces in the House office buildings. With the cooperation and assistance of the Superintendent of Buildings, this effort attained considerable success.

As an outgrowth of the project, and of its experience with the House Commission on Information and Facilities, the Select Committee completed a 1-year test of the feasibility of providing facilities—away from the immediate Congressional complex—for the storage, accounting, and retrieval of bulk quantities of Congressional publications in the possession of committees and officers of the House.

The test utilized warehouse facilities provided by the General Services Administration at the U.S. Navy Yard, less than a 10-minute drive from the House side of the Capitol. Transportation and related services were furnished by the Superintendent of Buildings of the Office of the Architect of the Capitol. Participants included the Committee on Government Operations, the Committee on Small Business, and the Doorkeeper of the House of Representatives.

In its report on the study (H. Rept. 95–1809),[15] the Select Committee concluded that the test had established the feasibility of centralized storage for the House. The report stated, in part, that "expanded facilities for the centralized storage and retrieval of publications, records, and other materials—presently held by committees and officers of the House in individual storage areas in the Capitol and the House Office Buildings—would produce * * * economies of space and time and improve working conditions and records management for all participating committees and officers."

The report further concluded that space presently used for storage purposes could be redesigned for office use, thereby relieving overcrowding and minimizing the need to construct expensive new office buildings.

The Select Committee recommended that an expanded test of cenralized storage be conducted, using existing facilities in the Capitol Hill area, and that detailed plans be prepared for construction of an automated warehouse facility capable of handling the storage needs of Members as well as committees and officers of the House.

Micrographics Use in Members' Offices

In a joint project designed to assist Congressional offices in managng the mounting burden of paperwork, the Select Committee and the House Information Systems staff of the Committee on House Adminstration completed, during 1978, a 4-month demonstration project aimed at testing the feasibility of using micrographics technology in certain office operations.

The offices of eight Members of Congress participated in the project. The micrographic format permits a small volume of film—microfiche was used in this project—to replace substantially larger volumes of iles and publications. In addition to a considerable space-saving potential, microfiche also offers more rapid retrieval of information with the use of inexpensive readers and printers.

Participating offices were equipped with a variety of models of microfiche readers and reader/printers, and were regularly furnished with 'fiche copies of the daily *Congressional Record* (three pieces of ″×4″ 'fiche per record), Congressional Research Service Issue Briefs, and reported bills and associated committee reports. In addiion, three offices chose to reproduce a number of correspondence files on 'fiche, and one office used 'fiche for its reference files. Offices were also offered 'fiche copies of General Accounting Office reports and decisions, and bills of special interest to participating Members. A micrographics center was established to transfer correspondence and reference files to microfiche, and arrangements were made with the Library of Congress to film the *Congressional Record* and the bills and reports.

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[15] See Appendix P for text of findings and recommendations.

Select Committee and H.I.S. personnel supervised the installation of equipment and the training of participating staffs, monitored the progress of the test, assisted offices which experienced problems, and urged participants to integrate the new technology in their day-to-day operations. Interviews with participants and evaluations of their experience were conducted at the conclusion of the test period.

In a joint report,[16] scheduled for publication early in the 96th Congress, the Select Committee and H.I.S. concluded that micrographics in general and microfiche in particular have considerable potential in a Congressional office environment. The potential can be realized, they reported, if the new technology is introduced gradually, if offices are thoroughly familiar with its capabilities and adequately trained in its use, and if support facilities, training opportunities, and the production of 'fiche copies of frequently used printed materials are sufficient to meet demand on a cost-effective basis. The report contains appropriate recommendations.

Committee Support Systems

The Select Committee and the Committee on House Administration initiated another collaborative effort during the 95th Congress designed to find ways in which House committees can improve the performance of specific staff support functions such as records management, accounting, budgeting, information processing, correspondence handling, and the like.

Designated the Committee Legislative and Administrative Support Systems Project, the program is a completely voluntary one. Two committees—the Government Operations Committee and the Public Works and Transportation Committee—are participating on a pilot basis.

In carrying out the project, teams of Select Committee and House Administration personnel have visited the committee offices, observed their actual operations, and interviewed responsible staff members at length regarding their individual functions. For each identifiable function, written reports have been prepared defining the function, describing the way it is performed, and analyzing the potential for improvement with the application of computer technology or advanced management techniques.

Following the analysis of all the functions of the two committees, appropriate models will be constructed to serve as the basis for analyzing the operations of other committees which may see the value of systematic self-examination.

The project is scheduled for continuation in the 96th Congress.

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[16] See Appendix Q for text of the executive summary, with conclusions and recommendations.

Travel Service Office

Steadily increasing use is being made of the Select Committee's Travel Service Office which assists Members and staffs in making travel arrangements in connection with official business. Within the United States, the office furnishes assistance in obtaining air and surface transportation, hotel accommodations, meeting and hearing rooms, clerical assistance, and other services. For official travel abroad, the office provides travel reservations assistance and general information.

Indicative of the widespread interest in the services provided by the Travel Service Office, the office assisted, during 1978, 36 Representatives and Senators and a total of 46 committees and subcommittees. In doing so, the office handled 2,311 calls, booked 1,564 passengers on a total of 4,629 flights, provided hotel accommodations for 483 persons, and arranged for the rental of 205 automobiles.

Congressional Intern Program

Continuing the practice of the Joint Committee on Congressional Operations, the Select Committee in 1977 and 1978 provided administrative support and supervision for the Bipartisan Congressional Intern Program. This included the provision of office space, staff services, arrangements for speakers, printing and distribution of announcements, and related services. Over 2,000 interns participated in the program during both years.

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APPENDIX A

95th CONGRESS
1st Session

H. RES. 420

[Report No. 95-114]

IN THE HOUSE OF REPRESENTATIVES

March 21, 1977

Mr. Brooks submitted the following resolution; which was referred to the Committee on Rules

March 24, 1977

Reported with amendments, referred to the House Calendar, and ordered to be printed

March 28, 1977

Considered, amended, and agreed to

RESOLUTION

Resolved, That it is the purpose of this resolution to continue the work of the Joint Committee on Congressional Operations by establishing a select committee of the House to perform the functions of such joint committee for the House.

ESTABLISHMENT OF SELECT COMMITTEE; MEMBERSHIP

Sec. 2. (a) There is established a select committee of the House of Representatives to be known as the Select Committee on Congressional Operations (hereinafter in this resolution referred to as the "select committee").

V

(b) The select committee shall be composed of seven Members of the House of Representatives who shall be appointed by the Speaker. One member of the select committee shall be designated by the Speaker to serve as chairman. Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

FUNCTIONS OF SELECT COMMITTEE

SEC. 3. (a) The select committee shall continue the functions of the Joint Committee on Congressional Operations for the House, as follows:

(1) Making a continuing study of the organization and operation of the Congress of the United States and recommending improvements in such organization and operation with a view toward strengthening the Congress, simplifying its operations, developing cooperation between the Houses of Congress, improving its relationship with other branches of the United States Government, and enabling it to meet its responsibilities under the Constitution of the United States.

(2) Identifying any court proceeding or action which, in the opinion of the select committee, is of vital interest to the Congress, or to the House of Representatives as a constitutionally established institution of the

Federal Government, and calling such proceeding or action to the attention of the House.

(3) Conducting a continuing study of the jurisdiction of the various standing committees of the House of Representatives and their relative workloads, and of ways of rationalizing committee jurisdictions between the two Houses of Congress, and reporting to the Committee on Rules any recommendations on the more equitable distribution of workload or the more rational combination of jurisdictional responsibilities.

(4) Exercising the functions vested in it by section 6 of this resolution.

(b) In carrying out the functions referred to in subsection (a) of this section, the select committee shall at all times avoid conflict or duplication with the activities of other committees, commissions, or other entities established by the House.

(c) The select committee shall not have legislative jurisdiction. Nothing in this resolution, except as specifically provided in subsection (a) (3) of this section, shall be construed to authorize the select committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of the House, or the consideration of any matter on the floor of the House, nor shall anything in this resolution be construed to authorize the select committee to operate or supervise a permanent system for the broadcast coverage of the proceedings of the House without the express and prior approval of the House.

POWERS AND DUTIES OF SELECT COMMITTEE

SEC. 4. Insofar as applicable, the provisions of rule XI, clauses 1, 2, and 3, shall apply to the select committee, and the select committee shall adopt written rules which shall not be inconsistent with the rules of the House.

STAFF OF SELECT COMMITTEE

SEC. 5. In carrying out its functions under this resolution, the select committee is authorized—

(1) to appoint, either on a permanent basis or as experts or consultants, without regard to political affiliation and solely on the basis of fitness to perform their duties, such staff as the select committee considers necessary;

(2) to prescribe the duties and responsibilities of such staff;

(3) to fix the pay of not more than two members of such staff at rates not to exceed the higher rate of pay specified in clause 6 (c) of rule XI of the Rules of the House of Representatives, and to fix the pay of other staff at rates not to exceed the lower rate of pay specified in clause 6 (c) of such rule XI;

(4) to terminate the employment of any such staff as the select committee considers appropriate; and

(5) to reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties and responsibilities for the select committee, other than expenses in connection with any meeting of the select committee, or a subcommittee thereof held in the District of Columbia, except that nothing in this resolution shall be deemed to authorize the members or staff of the select committee to travel outside the continental United States.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 6. (a) The select committee shall supervise and control the functions, as they relate to the House, of the Office of Placement and Office Management established by section 406 of the Legislative Reorganization Act of 1970.

(b) The Office is authorized to fix the pay of not more than one member of its staff at a rate not to exceed the higher rate of pay specified in clause 6(c) of rule XI of the Rules of the House of Representatives, and to fix the pay of other staff at rates not to exceed the lower rate of pay specified in clause 6(c) of such rule XI.

EXPENSES

SEC. 7. Subject to the adoption of expense resolutions as required by clause 5 of rule XI of the Rules of the House, the select committee may incur expenses in connection with its duties under this resolution.

APPENDIX B

Rules of the Select Committee on Congressional Operations

The Select Committee on Congressional Operations adopted rules of procedure on April 18, 1977, as follows:

RULE 1

The rules of the House shall govern the committee and its subcommittees. The rules of the committee, insofar as they are applicable, shall be the rules of any subcommittee of the committee.

RULE 2

(1) The meetings of the full committee shall be held at such times and in such places as the chairman may designate.

(2) Special meetings of the committee may be called under procedures provided for standing committees under House Rule XI, 2(c)(2).

RULE 3

A majority of the members of the committee shall constitute a quorum except that:

(1) One-third of the members shall constitute a quorum for taking any action other than reporting a measure or recommendation or issuing a subpoena.

(2) Two members of the committee shall constitute a quorum for taking testimony and receiving evidence.

(3) Proxies shall not be counted in determining the presence of a quorum.

RULE 4

A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto. A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date on which it was signed and the member to whom the proxy is given. Each proxy authorization shall state, and shall be limited to, the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to that measure or matter. Unless limited by its terms, a proxy shall remain valid until revoked or until superseded by a proxy bearing a later date. A proxy may contain more than one authorization. [House Rule XI (2)(f)]

RULE 5

(1) The chairman may:

(a) name standing or special subcommittees, and

(b) designate the chairman of each standing or special subcommittee.

(2) The chairman and ranking minority member of the Select Committee shall be ex officio members of all subcommittees. They are authorized to vote on matters before the subcommittee, but unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

RULE 6

If the chairman is not present at any meeting of the committee or subcommittee, the ranking member of the majority party who is present shall preside at that meeting. [House Rule XI 2(d)]

RULE 7

All meetings of the committee or its subcommittees shall be open to the public except where the committee or subcommittee, as the case may be, by a majority vote orders an executive session.

RULE 8

An accurate stenographic record shall be kept of all testimony. Supplemental materials when required to clarify the transcript may be inserted in the record subject to the approval of the chairman.

RULE 9

Testimony received in executive hearings shall not be released or included in any report without the approval of a majority of the committee.

RULE 10

The chairman shall provide adequate time for questioning of witnesses by all members.

RULE 11

When approved by a majority vote an open meeting or hearing of the committee or a subcommittee may be covered, in whole or in part, by television broadcast, radio broadcasts, and still photography, or by any such methods of coverage, subject to the provisions of House Rule XI, 3, which are incorporated herein. In order to enforce the provisions of said rule or to maintain an acceptable standard of dignity, propriety, and decorum, the chairman may order such alteration, curtailment, or discontinuance of coverage as he determines necessary.

RULE 12

No committee report shall be made public or transmitted to the Congress without the approval of a majority of the committee except that when the Congress has adjourned, subcommittees may by majority vote and with the express permission of the full committee submit reports to the full committee and simultaneously release same to the public: *Provided*, That any member of the committee may make a report supplementary to or dissenting from the majority report. Factual reports by the committee staff may be printed for distribution to committee members and the public only upon authorization of the chairman of the full committee.

RULE 13

chairman is authorized:
to appoint either on a permanent basis or as experts or con-
ts for the Select Committee and the Office of Placement and
Management, such staff as he considers necessary;
to prescribe the duties and responsibilities of such staff;
to fix the pay of such staff;
to terminate the employment of any such staff members as he
lers appropriate;
to authorize reimbursement for members and staff for travel,
tence, and other necessary expenses incurred by them in the
rmance of their duties.

RULE 14

endance at executive sessions shall be limited to members of the
ittee, the committee staff and congressional staff designated by
ittee members to attend such sessions. Other persons whose pres-
s requested or consented to by the committee may be admitted
h sessions. Any individual who is not a member may be excluded
committee.

RULE 15

ection of witnesses for committee hearings shall be made by the
nan. A list of proposed witnesses shall be submitted to the mem-
f the committee for review sufficiently in advance of the hearings
mit suggestions by the committee members to receive appropriate
leration.

RULE 16

posals for amending committee rules shall be sent to all mem-
t least 1 week before final action is taken thereon. Approval by
ority of the members of the committee shall be required to amend
rules.

RULE 17

chairman shall in addition to his other responsibilities:
authorize and issue subpoenas as provided in House Rule XI,
2.(m)(1)(B) in the conduct of any investigation or activity
ies of investigations or activities within the jurisdiction of the
ittee;
prepare a budget for the committee and the Office of Placement
ffice Management; and
establish such other procedures and take such actions as may be
ary to carry out the foregoing rules or to facilitate the effective
tion of the committee.

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APPENDIX C

TITLE IV—CONGRESS AS AN INSTITUTION

PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this Part referred to as the "Joint Committee").

Membership.

(b) The Joint Committee shall be composed of 10 members as follows:

(1) five Members of the Senate, appointed by the President pro tempore of the Senate, three from the majority party and two from the minority party; and

(2) five Members of the House of Representatives appointed by the Speaker of the House of Representatives, three from the majority party and two from the minority party.

Vacancies.

(c) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

Chairman and vice chairman, selection.

(d) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and House of Representatives with each Congress. The chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

Congressional improvements, study and recommendations.

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States; and

Court proceedings or actions identification.

(2) identify any court proceeding or action which, in the opinion of the Joint Committee, is of vital interest to the Congress, or to either House of the Congress, as a constitutionally established institution of the Federal Government and call such proceeding or action to the attention of that House of the Congress which is specifically concerned or to both Houses of the Congress if both Houses are concerned.

(b) The Joint Committee shall exercise all functions vested in it by section 406 of this Part.

Post, p. 1189.
Report to Congress.

(c) The Joint Committee shall report, from time to time, to the Senate and the House of Representatives their recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) Nothing in this Part shall be construed to authorize the Joint Committee to make any recommendations with respect to the rules, parliamentary procedure, practices, or precedents of either House or the consideration of any matter on the floor of either House.

POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned period of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chairman or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

Rulemaking.

Subpenas, issuance.

Power to administer oaths.

STAFF OF JOINT COMMITTEES

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

Professional and clerical staff members, appointment.

(2) to prescribe their duties and responsibilities;

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

Pay.

35 F. R. 6247.
5 USC 5332 note.

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed 1 year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

Utilization of services, etc. of Government personnel.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 406. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office and such personnel as the Joint Committee deems necessary;

Director and other personnel, appointment.

(2) to prescribe their duties and responsibilities;

Pay.

(3) to fix their pay at respective per annum gross rates not in excess of the highest rate of basic pay, as in effect from time to time, of the General Schedule of section 5332(a) of title 5, United States Code; and

35 F.R. 6247.
5 USC 5332 note.

(4) to terminate their employment, as the Joint Committee may deem appropriate.

Assistance in personnel hiring and office management.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 407. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman.

APPENDIX D

93d CONGRESS
2d Session

H. RES. 988

[Report No. 93-916]

IN THE HOUSE OF REPRESENTATIVES

March 19, 1974

Mr. Bolling (for himself, Mr. Martin of Nebraska, Mr. Culver, Mr. Frelinghuysen, Mr. Meeds, Mr. Sarbanes, Mr. Steiger of Wisconsin, Mr. Stephens, Mr. Wiggins, and Mr. Young of Florida) from the Select Committee on Committees, reported the following resolution; which was referred to the House Calendar and ordered to be printed

October 8, 1974

Considered, amended, and agreed to

RESOLUTION

To reform the structure, jurisdiction, and procedures of the committees of the House of Representatives by amending rules X and XI of the Rules of the House of Representatives.

Resolved, That this resolution may be cited as the "Committee Reform Amendments of 1974".

TITLE I—OVERSIGHT RESPONSIBILITIES, LEGISLATIVE REVIEW AND ADDITIONAL COMMITTEE FUNCTIONS, REFERRAL OF BILLS AND RESOLUTIONS, ELECTION AND MEMBERSHIP OF COMMITTEES, AND RULES OF PROCEDURE FOR COMMITTEES

Sec. 101. Rule X of the Rules of the House of Representatives is amended by striking out clauses 2 through 5 and inserting in lieu thereof the following:

V—O

to carry out the purpose of this section, the contingent fund of the House shall be available for such purpose.

THE HOUSE COMMISSION ON INFORMATION AND FACILITIES

SEC. 204. (a) There shall be in the House of Representatives a Commission on Information and Facilities (hereinafter in this section referred to as the "Commission"), which shall be composed of nine Members of the House appointed by the Speaker, including the House Members of the Joint Committee on Congressional Operations, no more than five being members of the same political party.

(b) To assist the Commission in carrying out its functions, the Speaker shall establish an Advisory Council composed of six members as follows:

(1) Two members who are representatives of public affairs institutions or groups,

(2) Two members who have demonstrated ability in space utilization, and

(3) Two members of the general public.

The members of such Advisory Council shall receive compensation at the daily rate provided by law for persons in grade GS-18, for each day actually engaged in the performance of the Commission's functions; and shall be entitled to receive actual and necessary travel expenses, including per diem in lieu of subsistence.

(b) It shall be the function of the Commission to conduct a thorough and complete study of—

(1) the information problems of the House of Representatives against the background of the existing institutions and services available to the House, and to make such recommendations with respect thereto as may be appropriate, and

(2) with respect to the facilities and space requirements of the Members and committees of the House, including space utilization, parking, and the organization, responsibility, and supervision to provide adequate, efficient, and economical space utilization, and

(3) the staff required to provide the House legislative counsel with the capability to fully meet the needs of the Members of the House.

(c) The study conducted by the Commission pursuant to subsection (b) (1) shall include (but need not be limited to)—

(1) House resources for information, including the Congressional Research Service, the General Accounting Office, and the Office of Technology Assessment, and the organizational framework that makes them effective or ineffective;

(2) information management, collection, and dissemination for the House;

(3) resources outside the Congress for information and their utilization;

(4) methods for setting up and organizing the flow of information from and to the Executive;

(5) experimental or pilot approaches to information problems, such as the creation of mechanisms for outside groups, or for pooling of resources; and

(6) the creation of a congressional staff journal or other process for communication.

(d) The Commission shall make an annual progress report to the Speaker, and shall make such additional reports as may appear appropriate or as may be directed by the Speaker, incorporating interim and final recommendations and drafts of legislation to carry out such recommendations. The final report of the Commission shall be submitted no later than January 2, 1977. The study conducted pursuant to paragraph (b) (3) shall be completed no later than January 1, 1976.

(e) In carrying out its functions, the Commission may meet at such times and places as it deems necessary. A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(f) Members and staff of the Commission shall be entitled to receive actual and necessary travel expenses, including per diem in lieu of subsistence.

(g) The Commission shall utilize the staff of the Joint Committee on Congressional Operations to the maximum extent possible and shall appoint and provide for the compensation of such other staff as may be necessary for the performance of its functions.

(h) The contingent fund of the House is made available to carry out the purposes of this section.

REVIEW OF COMMITTEE JURISDICTION

SEC. 206. The House members of the Joint Committee on Congressional Operations shall undertake and conduct a continuing study of the jurisdiction of the various standing committees of the House under Rule X of the Rules of the House and the relative workloads sustained by such committees as a result thereof, and periodically shall prepare for submission to and consideration by the Committee on Rules (and for possible submission by that committee to the full House) a report including any recommended changes in the Rules of the House which may be necessary or appropriate to effect a more equitable distribution of workload or a more rational combination of jurisdictional responsibilities. It is the sense of the House of Representatives that the House members of the Joint Committee on Congressional Operations should work with the Senate members of such joint committee in an effort to rationalize the committee jurisdiction between the Houses.

APPENDIX E

Union Calendar No. 713

th Congress, 2nd Session - - - - - - - - - Report No. 95-1317

GENERAL ACCOUNTING OFFICE SERVICES TO CONGRESS

AN ASSESSMENT

SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

JUNE 22, 1978.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

REPORT

INTRODUCTION

Of the four legislative branch support agencies—the General Accounting Office, the Congressional Research Service, the Office of Technology Assessment, and the Congressional Budget Office, all of which are designed to support the Congress in its legislative, oversight and representational activities—the General Accounting Office is the largest, most costly, and most complex in its organization, procedures, and sources of authority.

Congress, therefore, has an important stake in assuring that its investment in GAO is returning maximum benefits to this institution and to the Nation. Such an assurance can be obtained only through a thorough analysis of the role and mission of GAO, the effectiveness of its organization and management, the integrity of its operations, the quality and timeliness of the products and services it provides the committees and Members of Congress, and the character of its relations with its sister agencies and with the Congress itself.

Given the magnitude of this task, the study conducted by the Select Committee on Congressional Operations should be viewed as a preliminary effort to assess the services provided by GAO and to identify aspects of its authority, organization and operations which may require improvements or warrant more extended and thorough analysis.

FINDINGS

On the basis of its study of the General Accounting Office, the services it provides, and the authority, organization and procedures which support those services, the Select Committee reports the following general findings:

(1) GAO is a valuable asset to the Congress. It is also an agency in transition, experiencing a sometimes painful and uneven evolution from its relatively narrow accounting and auditing functions to the broader, more demanding requirements of policy analysis and program evaluation.

(2) A substantial majority of the agency's congressional clients—committees, Members, and professional staff employees who utilize GAO services—have a generally high regard for the quality, professionalism, and integrity of its services and products and for the competence of its personnel.

(3) At the same time, considerable concern is evident at the frequent lack of timeliness in the delivery of services requested by the Congress and, to a lesser extent, at certain bureaucratic rigidities in agency operations, ambiguities regarding the specific character of services available from GAO, and the means of obtaining them, and some lack of responsiveness to requests for (a) more comprehensive overviews of areas and issues or of organization and program effectiveness, and (b) shorter term, quick-response analyses of specific problems.

(4) GAO's evolving organizational structure, management, operating procedures, coordination devices, and program planning are comprehensive, highly sophisticated, and elaborately documented. Most of the agency officials interviewed during the course of the Select Committee study expressed general satisfaction with the progress achieved in implementing recent improvements in these areas. Constraints of time and resources, however, prevented the Select Committee from determining, by direct observation, the effectiveness of their implementation in the daily operations of the agency.

In at least one respect, however, GAO has not yet succeeded in reaching a desirable objective: the effective integration of accounting skills and techniques, associated with its older functions, with the evaluative and analytical tools of the policy sciences required by its post-1970 responsibilities. Internal rivalries and competition between personnel representing the two sets of attitudes and experience continue to plague the agency and deny to the Congress the full realization of GAO's potential.

(5) GAO's statutory authority resides in four or five basic laws in addition to hundreds of other more limited provisions in other statutes. While this authority appears to be adequate to support the agency's current operations and activities, additional legislation may be necessary as the agency's functions broaden.

(6) The very diverse and numerous sources of authority—covering a period of more than half a century and including a multitude of varied functions—have inevitably complicated GAO's role in Federal Government, and have created an organization which, while firmly rooted in the legislative branch, also exercises authority which is executive and quasi-judicial in character. This situation necessarily raises separation of powers issues, exposes GAO to possible conflicts of interest, and may burden the agency with responsibilities inconsistent with its primary obligations to the Congress.

(7) GAO values greatly its reputation for independence. To the extent that its independence serves to insulate the agency from partisan pressures and policy preferences, from whatever sources, and to strengthen the professionalism and objectivity with which it functions, GAO independence can only increase its value to the Congress as an indispensable source of reliable information and analysis. In this context, its authority to initiate studies and investigations is an important aspect of its independence which should be preserved.

Independence, however, should not serve as a shield from accountability. Nor should it be used arbitrarily to limit the agency's responsiveness to the needs of its congressional clients. In this latter respect, GAO's repeated contention that less than 40 percent of its work is represented in direct services to the Congress seems meaningless and misleading, since much of its self-initiated work is undertaken in response to known congressional concern and results in reports addressed to the Congress. It suggests to some that GAO feels that closer identification with the Congress might somehow compromise its integrity and effectiveness.

Independence, as GAO should realize, is as much a factor of leadership, judgment, and competence as it is of organizational uniqueness or artificial quotas.

(8) Although GAO officials are encouraged to consult congressional sources in planning the agency's self-initiated work, no systematic or formal procedure has been developed to solicit the views of committees, Members, or staffs for this purpose, a situation which tends to limit GAO's responsiveness to congressional needs and may reduce the ultimate usefulness of some of its self-initiated studies.

(9) The Select Committee found no significant evidence of duplication or substantially overlapping projects or activities between GAO and its three sister support agencies. The Research Notification System has been effective in guarding against the continuing potential for such overlap and duplication. Disappointingly, however, the four agencies have so far failed to realize the full potential of encouraging greater coordination, including the planning and development of forms of joint 2-agency, 3-agency, and 4-agency cooperation in the conduct, for example, of broad policy-related studies.

(10) Perceptions of the character and quality of GAO work on the part of officials of executive branch agencies which have been subjects of GAO audits and reviews vary widely. Comments obtained in a limited number of interviews with executive branch personnel were concentrated in two principal areas and were grouped at extreme ends of the spectrum in both cases:

(a) While one group noted that much of the time GAO personnel are too preoccupied with relatively unimportant details, the other group complimented agency personnel for their ability to identify and dissect the key elements of a program or organizational problem.

(b) Similarly, one group judged the quality of GAO personnel to be of a fairly low level, as a result of which top-level executive branch officials tend to ignore them. The other group expressed high regard for the competence and experience of the GAO personnel with whom they have dealt.

BACKGROUND

This is the fourth and final study in a series covering each of the legislative support agencies. The studies were mandated by the Committee Reform Amendments of 1974 (H. Res. 988) which established the House Commission on Information and Facilities. In addition, the House Committee on Appropriations, concerned with the increasing budgets of the four agencies and the potential for duplication among them in carrying out their activities, formally requested the Commission to include in its studies its consideration of these and related management and organization questions.

Three of the studies were completed and reports filed prior to the conclusion of the 94th Congress. Subsequently, the Joint Committee on Congressional Operations, whose House Members served on the Commission, and its successor, this Select Committee, agreed to complete the series by conducting the study of the GAO.

STUDY PLAN

From the outset the Select Committee recognized it could not—with its limited resources [1]—devote the extended and concentrated attention required to comprehend in detail the operations of an organization of the size and complexity of GAO. Consequently, the Select Committee chose to give first priority to determining how committees, Members and key staff employees assessed the services provided by GAO. Two sets of questionnaires were utilized: the first soliciting an evaluation from each committee of a specific GAO report commissioned by that committee, and the second requesting from all Members their evaluations of a complete range of GAO services.

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[1] Two professional level and two subprofessional level staff for an average of 5 months.

Questionnaire responses were supplemented with extensive interviews of a selected number of committee staff personnel having wide experience with GAO.

Interviews were also used to obtain from top GAO officials—39 in all—information from a variety of perspectives about the agency's organization and procedures. These interviews were preceded by extensive study of GAO reports, operating manuals, organization plans, procedural guides, etc.

To provide an added element of balance, a limited number of executive branch officials—those responsible for programs or organizations studied by GAO—were interviewed in order to obtain their perceptions of the quality of GAO investigatory work.

The report of the Select Committee's study team, which is printed as an addendum to this report, includes the complete results and analysis of the questionnaires, interviews and surveys of the documentary sources. The study team's work comprises the principal—but not the exclusive—source of the information and analysis on which the Select Committee has based its finds and recommendations.

The Select Committee believes its preliminary study of GAO has been more than worthwhile, especially for the comprehensive view of the agency, it has permitted us to draw and for the at least tentative judgments it has enabled us to reach with respect to operating weaknesses that should be corrected and other, possibly more serious, problems that should be examined more intensively.

Nevertheless, the limitations of the study should just as clearly be understood. Unlike its studies of OTA, CRS, and CBO—all much smaller agencies—the Select Committee's study of GAO was unable to include onsite observation of day-to-day operations.

Nor was it possible to undertake detailed case studies of individual GAO reports, embracing all aspects and phases of the highly sophisticated agency process leading to the final product: initiation by a congressional committee, for example, or by the agency itself, preliminary planning of the study, field investigations, report preparation, GAO's legal, editorial and policy reviews, the subject agency's comments, and GAO's response to such comments. Similarly, time and resources did not permit review of the ways in which GAO implements its internal planning and coordination procedures.

In keeping with its purpose, the study has been expressly designed to be critical, to identify weaknesses, problems, and inconsistencies and to raise questions where final judgments were not possible. The study was not intended to be academic or dispassionate or to report agency successes and savings. Improvement, not appreciation, has been our goal.

Despite this adversary character of the Select Committee's study, GAO officials—from the Comptroller General on down through the agency's hierarchy—have cooperated fully and generously throughout the course of the study, a fact which the Select Committee acknowledges with appreciation.

It should also be noted that GAO, following its review of an early rough draft of the attached study team report, formed an internal task force to explore ways of improving services and responsiveness to Congress, which has resulted in a number of procedural changes.

RECOMMENDATIONS

Notwithstanding the limitations which circumscribed the Select Committee's study of GAO, our analysis of the data and other information obtained during the study—much of which is printed in the addendum and appendixes to this report—has led us to recommend the following:

A. In order to improve the utility of its services and congressional access to those services, and to avoid misunderstanding, GAO should furnish the Congress, in clear and concise written form, the following information:

1. How to obtain GAO services.
2. Leadtime required for various services.
3. Specific types of GAO services available from GAO, with special identification of those services which may be unavailable from other legislative branch support agencies.
4. Types of services which GAO cannot or should not provide or for which it is not the primary source.
5. Whom to contact to explain or to obtain services.
6. A description of GAO procedures for dealing with requests for service, including the understandings which need to be reached between agency and client regarding (a) scope of work, (b) desirability of obtaining affected party comments, (c) type of product best suited to meet client's needs, (d) preferred communication channels during performance of the work, and (e) desired delivery date.
7. The standards or factors by which GAO determines the priorities governing the work it does at direct congressional request, its self-initiated work, and the ratio which prevails between the two.

B. To further increase its responsiveness in meeting congressional needs and enhancing the usefulness of its self-initiated work, GAO should implement a systematic procedure for soliciting and considering the views of committees, Members, and staffs as a part of the process of planning the agency's program of self-initiated work.

C. To improve its responsiveness to congressional needs, GAO should establish a systematic procedure for soliciting on a regular basis evaluations by congressional clients of the specific services or services provided such client by GAO. Such a procedure should go well beyond the present informal comments received by GAO divisions and by the Office of Congressional Relations.

D. In order to improve the timeliness of its services to Congress, GAO should make every effort to reduce substantially (1) the time required to complete the preparation and review of reports, including the time allowed executive agencies to submit comments, and (2) the time required for surveys preceding the start of self-initiated studies. It should plan its congressional request assignments so that the agreed-upon product is delivered to the requesting committee or Member on or before the agreed-upon date. Self-initiated reviews should be planned and managed in such a way that the information generated is available to the Congress at the time, and in the form, it is most useful.

E. In order to assure wider congressional attention to the results of GAO work, the agency should broaden its distribution of printed reports and other printed informational material.

F. In order to meet more fully and more effectively the Congress' widely varying requirements for information and analysis, GAO should seek to improve its performance in two areas in which the Select Committee found it to be relatively weak, as follows:

1. GAO should make a firm commitment of the staff and resources required to provide Congress with comprehensive evaluations of (a) the effectiveness and efficiency with which major Federal programs are being administered, (b) policy implementation by the executive branch in issue areas which embrace more than one department or agency, and (c) the organizationwide activities of individual departments and agencies.
2. GAO should continue to develop the competence to meet congressional needs for quick-response kinds of assistance—for example, updates of previous reports, preliminary or tentative analyses of problem areas, short-term investigations, and the like—through earlier and less formal means of communication; including briefings, letter reports, informal questions and other information provided to committee staffs.

G. GAO should explore, on a continuing and systematic basis in concert with CRS, OTA, and CBO, opportunities for further interagency cooperation and collaboration, including the potential for pooling the impressive research and analytical resources of the four agencies to undertake particular projects or studies for the Congress of a kind which (a) may surpass the competence or resources of any one of the agencies, or (b) may require a broader range or greater depth of specialized skills and insights than is available in a single organization.

H. GAO should revise its classification or definition of work in direct support of Congress to include the substantial volume of self-initiated work which is known to reflect congressional interests and concerns, or which originate in significant measure from congressional suggestions (as distinct from official congressional requests for assistance), or which result in reports or other communications addressed to the Congress.

I. GAO should make greater use of its inservice training program to introduce auditors/accountants to the methods, objectives, and usefulness of the policy sciences (e.g. political science, economics, public administration, organization theory, etc.) in accomplishing the agency's analytical and evaluative responsibilities, and—conversely—introduce employees with policy science backgrounds to the methods, objectives, and usefulness of the professional tools of auditors and accountants and the importance of these skills in performing GAO functions.

J. In view of the great number and variety of statutory sources from which GAO draws its extensive authority, the appropriate House and Senate committees with oversight responsibility for GAO should undertake a comprehensive review of the agency's authority to determine, among other things—

1. whether GAO's statutory role and mission are sufficiently explicit and well defined to enable the agency to meet the diverse congressional requirements for informational and analytical services;
2. whether all the agency's functions are internally consistent and harmonious with its overriding responsibility to serve the Congress;
3. whether any GAO functions of a specifically executive or judicial character might more appropriately be exercised elsewhere in the Federal Government; and
4. whether it would be desirable to recodify all statutory provisions applicable to GAO.

K. Perhaps in conjunction with the review of GAO authority, proposed in the recommendation above, the House and Senate committees with oversight responsibilities for GAO should arrange for a comprehensive and thorough examination of the agency's operations appropriate to an organization of its size, complexity and importance. Such an examination should focus especially on areas identified in the present report as needing further study including:

1. a series of case studies assessing every aspect of a representatives selection of recent major GAO reports, from their inception as congressional requests or self-initiated studies to the final preparation, review, submission and use of the agency's reports; and
2. onsite evaluation of the adequacy and effectiveness of the agency's organizational structure, management, and operating procedures, its planning, coordinating, and review mechanisms, and the competence of its personnel, with a view toward identifying means of improving the quality and increasing the responsiveness of GAO services to the Congress.

APPENDIX F

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C.

Hon. JACK BROOKS,
Chairman, Select Committee on Congressional Operations,
House of Representatives.

DEAR MR. CHAIRMAN: I want to bring you up to date on activities within the General Accounting Office which are responsive to the recommendations contained in your Committee's report (No. 95-1317) on the assessment of our services to the Congress. The report focused primarily on GAO work responding to specific congressional requests but parts of it are applicable to GAO self-initiated work as well. The attachment details the actions completed or underway in this regard.

The generally high marks given to GAO services are gratifying. By the same token, we are aware that improvements in our operations can enhance the quality of our services to the Congress, its committees, and Members. The Committee's report provides useful guidance on how this can be done and our annual report for fiscal year 1978 acknowledges the benefits we obtained from your Committee's assessment.

I would also like to highlight that our Task Force on Improving GAO's Effectiveness took a comprehensive look at GAO's policies and practices to identify ways to eliminate or reduce barriers to timely completion of our work. Based on the Task Force's findings, a number of actions have been taken to improve the timeliness and relevance of our efforts. These actions involve

—improving working relationships with the Congress;
—adopting a project team approach for carrying out assignments;
—using the most effective and least costly reporting medium in satisfying the needs of intended users;
—allowing greater flexibility in the quality control process governing GAO reports;
—developing a more meaningful accountability system; and
—providing for greater recognition of staff contributions.

Of special significance is a renewed emphasis in our program planning process calling for periodic consultation with cognizant congressional committees so that their concerns and priorities are given adequate recognition in our work plans.

Action has also been taken on another matter of special interest to you. I refer to changes made in our policy on obtaining agency comments. Our policy now (1) provides operating divisions more flexibility in deciding whether formal written comments are needed, (2) directs that a tougher stance be taken regarding the time allowed agencies to respond to a draft report, and (3) calls for a more vigorous followup when there are indications that an agency is not going to adhere to our specified time frame for receipt of its comments. I have also written the Director, OMB, seeking a change in Circular A–50 that would require the agencies to improve their cooperation with us in this matter.

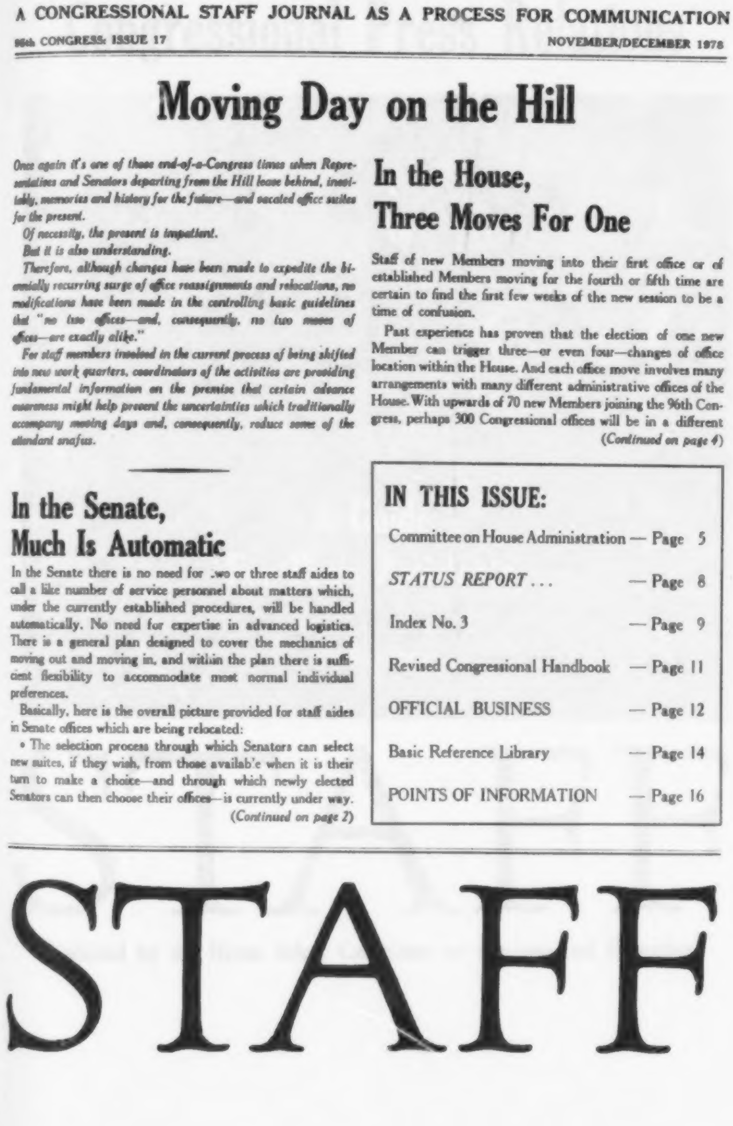
In summary, we are making a number of changes which we feel will address the concerns expressed by your Committee. Change in any organization requires persistent staff effort and management attention; I assure you that this attention will not be lacking.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

Attachment.

APPENDIX G



A CONGRESSIONAL STAFF JOURNAL AS A PROCESS FOR COMMUNICATION

95th CONGRESS: ISSUE 17 NOVEMBER/DECEMBER 1978

Moving Day on the Hill

Once again it's one of those end-of-a-Congress times when Representatives and Senators departing from the Hill leave behind, inevitably, memories and history for the future—and vacated office suites for the present.

Of necessity, the present is impatient.

But it is also understanding.

Therefore, although changes have been made to expedite the biennially recurring surge of office reassignments and relocations, no modifications have been made in the controlling basic guidelines that "no two offices—and, consequently, no two moves of offices—are exactly alike."

For staff members involved in the current process of being shifted into new work quarters, coordinators of the activities are providing fundamental information on the premise that certain advance awareness might help prevent the uncertainties which traditionally accompany moving days and, consequently, reduce some of the attendant snafus.

In the Senate, Much Is Automatic

In the Senate there is no need for .wo or three staff aides to call a like number of service personnel about matters which, under the currently established procedures, will be handled automatically. No need for expertise in advanced logistics. There is a general plan designed to cover the mechanics of moving out and moving in, and within the plan there is sufficient flexibility to accommodate most normal individual preferences.

Basically, here is the overall picture provided for staff aides in Senate offices which are being relocated:

- The selection process through which Senators can select new suites, if they wish, from those availab'e when it is their turn to make a choice—and through which newly elected Senators can then choose their offices—is currently under way.

(Continued on page 2)

In the House, Three Moves For One

Staff of new Members moving into their first office or of established Members moving for the fourth or fifth time are certain to find the first few weeks of the new session to be a time of confusion.

Past experience has proven that the election of one new Member can trigger three—or even four—changes of office location within the House. And each office move involves many arrangements with many different administrative offices of the House. With upwards of 70 new Members joining the 96th Congress, perhaps 300 Congressional offices will be in a different

(Continued on page 4)

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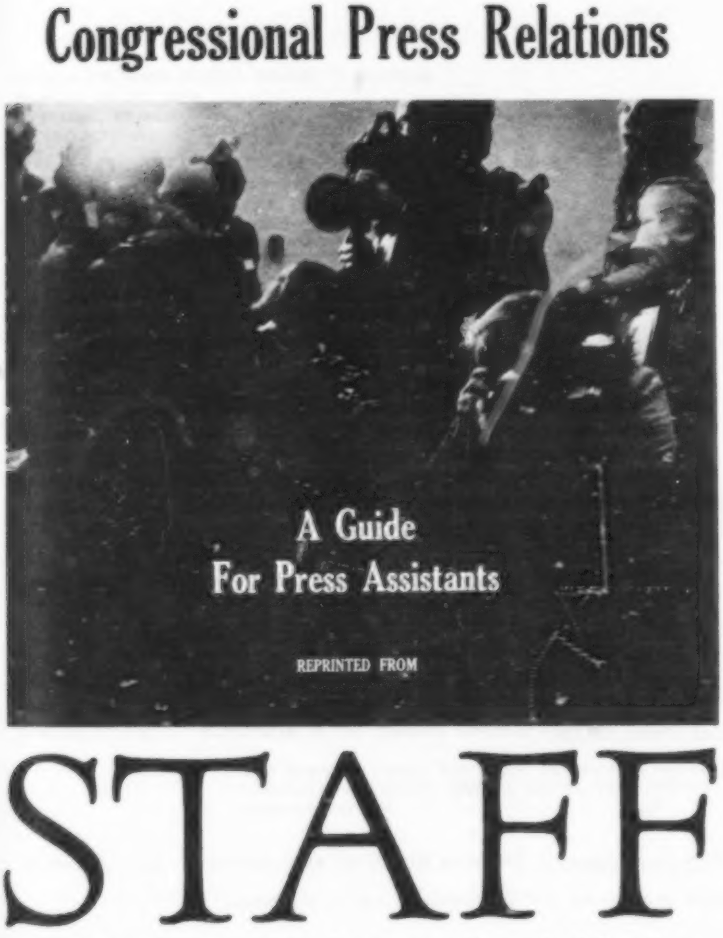
STAFF

APPENDIX H



Congressional Press Relations

A Guide
For Press Assistants

REPRINTED FROM

STAFF

Published by the House Select Committee on Congressional Operations

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APPENDIX I

12/7/78

ROGRAM FOR NEWLY-ELECTED MEMBERS OF CONGRESS
ecember 10-16, 1978
mbridge, Mass.

CHEDULE

NDAY, DECEMBER 10

00 p.m.	TOUR OF HARVARD YARD (leaving from Sheraton-Commander Hotel and Harvard Motor House)
00 p.m.	BUFFET SUPPER AVAILABLE (Harvard Faculty Club)
30 p.m.	INTRODUCTORY SESSION, OPPORTUNITY FOR REVIEW OF SCHEDULE, GROUND RULES, ETC. (Harvard Faculty Club)
30 p.m.	PRESIDENT BOK'S RECEPTION IN HONOR OF NEW MEMBERS OF CONGRESS (Harvard Faculty Club)

NDAY, DECEMBER 11

00-10:15 a.m.	DISCUSSION OF THE CHANGING CONGRESS (Kennedy School #130) Walter Kravitz, Senior Specialist in American National Government and Public Administration, Congressional Research Service
:30-11:45 a.m.	DISCUSSION OF SEPARATION OF POWERS (Kennedy School #130) Laurence H. Tribe, Professor of Law, Harvard Law School
:15-1:00 p.m.	LUNCH (Kennedy School Penthouse)

1:15-4:00 p.m.	DISCUSSION OF THE CONGRESSIONAL/EXECUTIVE BUDGET PROCESSES (Kennedy School #140) Nicholas A. Masters, Director of Majority Staff, Committee on the Budget, U.S. House of Representatives Allen Schick, Senior Specialist in American National Government, Congressional Research Service
6:30 p.m.	DINNER, NEW MEMBERS' DISCUSSION OF EXPERIENCE AND EXPECTATIONS (Holyoke Center Penthouse)

TUESDAY, DECEMBER 12

9:00-10:15 a.m.	DISCUSSION OF INFLATION AND UNEMPLOYMENT (Kennedy School #150) Hendrik S. Houthakker, Professor of Economics, Harvard Lester Thurow, Professor of Economics and Management, M.I.T.
10:30-11:45 a.m.	DISCUSSION OF TAX POLICY (Kennedy School #150) Stanley S. Surrey, Professor of Law, Harvard Law School
12:15-1:00 p.m.	LUNCH (Kennedy School Penthouse)
1:00-2:00 p.m.	DISCUSSION OF ECONOMIC ISSUES AND BUDGET PRIORITIES (Kennedy School Penthouse) Otto Eckstein, Professor of Economics, Harvard
2:30-3:45 p.m.	DISCUSSION OF INTERGOVERNMENTAL FISCAL RELATIONS (Kennedy School #150) Martha A. Derthick, Director of Governmental Studies, Brookings Institution Richard P. Nathan, Senior Fellow, Brookings Institution

5:30 p.m.	DINNER, DISCUSSION WITH STUDENTS IN HARVARD UNDERGRADUATE HOUSES (meet at 79 Boylston Street)

EDNESDAY, DECEMBER 13

9:00-10:15 a.m.	DISCUSSION OF SOCIAL SECURITY AND RETIREMENT INCOME FINANCING (Kennedy School #130) Martin S. Feldstein, Professor of Economics, Harvard
10:30-11:45 a.m.	DISCUSSION OF WELFARE REFORM (Kennedy School #130) Michael S. Dukakis, Governor of Massachusetts Laurence E. Lynn, Jr., Professor of Public Policy, Kennedy School of Government
12:15-1:00 p.m.	LUNCH (Kennedy School Penthouse)
:15-3:00 p.m.	DISCUSSION OF HEALTH CARE COST CONTROL AND NATIONAL HEALTH INSURANCE (Kennedy School #130) S. Philip Caper, Vice Chancellor for Health Affairs, University of Massachusetts Medical Center Rashi Fein, Professor of Economics of Medicine at the Department of Social and Preventative Medicine, Harvard
:15-4:45 p.m.	DISCUSSION OF BUSINESS REGULATION: The Senate C.A.B. Hearings Case (Kennedy School #140) Daniel M. Kasper, Assistant Professor of Business Administration, Harvard Business School
:00 p.m.	FREE EVENING

THURSDAY, DECEMBER 14

9:00-11:45 a.m.	DISCUSSION OF ENERGY POLICY (Kennedy School #150) Irwin C. Bupp, Lecturer in Business Administration, and member of the Energy Research Project, Harvard Business School Robert B. Stobaugh, Professor of Business Administration, and member of the Energy Research Project, Harvard Business School Daniel Yergin, Lecturer in Business Administration, and member of the Energy Research Project, Harvard Business School
12:15-1:00 p.m.	LUNCH (Kennedy School Penthouse)
1:15-2:15 p.m.	DISCUSSION OF LINKAGES BETWEEN DOMESTIC AND FOREIGN POLICY MAKING (Kennedy School Penthouse) Thomas L. Hughes, President, Carnegie Endowment for International Peace
2:30-4:00 p.m.	DISCUSSION OF URBAN POLICY (Kennedy School #150) Donna E. Shalala, Assistant Secretary for Policy Development and Research, U.S. Department of Housing and Urban Development Robert C. Wood, Superintendent of the Boston Public Schools
7:00 p.m.	DINNER WITH MEMBERS OF THE SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS (17 Quincy Street, Cambridge)

FRIDAY, DECEMBER 15

9:00-10:15 a.m.	DISCUSSION OF U.S.-U.S.S.R. RELATIONS (Kennedy School #130)

Stanley H. Hoffmann, Professor of Government, Harvard

Samuel P. Huntington, Professor of Government, Harvard

Albert Carnesale, Associate Director, Center for Science and International Affairs, Kennedy School of Government (resource)

0:30-11:45 a.m. DISCUSSION OF U.S. RELATIONS WITH THE MIDDLE EAST (Kennedy School #130)

Harold Saunders, Assistant Secretary for the Bureau of Intelligence and Research, U.S. Department of State

2:15-1:00 p.m. LUNCH (Kennedy School Penthouse)

:15-2:30 p.m. DISCUSSION OF THE DEFENSE BUDGET (Kennedy School #130)

William W. Kaufman, Professor of Political Science, M.I.T.

:45-4:00 p.m. DISCUSSION OF U.S. RELATIONS WITH CHINA AND JAPAN (Kennedy School #130)

John K. Fairbank, Professor in East Asian Studies, Harvard

Edwin O. Reischauer, Professor of East Asian Civilization, Harvard

:00 p.m. DINNER, DISCUSSION WITH THE MAYOR OF BOSTON, KEVIN H. WHITE (Parkman House, 33 Beacon Street, Boston)

ATURDAY, DECEMBER 16

:30-11:00 a.m. DISCUSSION OF CONGRESS AND PUBLIC OPINION (Kennedy School #130)

David S. Broder, Associate Editor, Washington Post

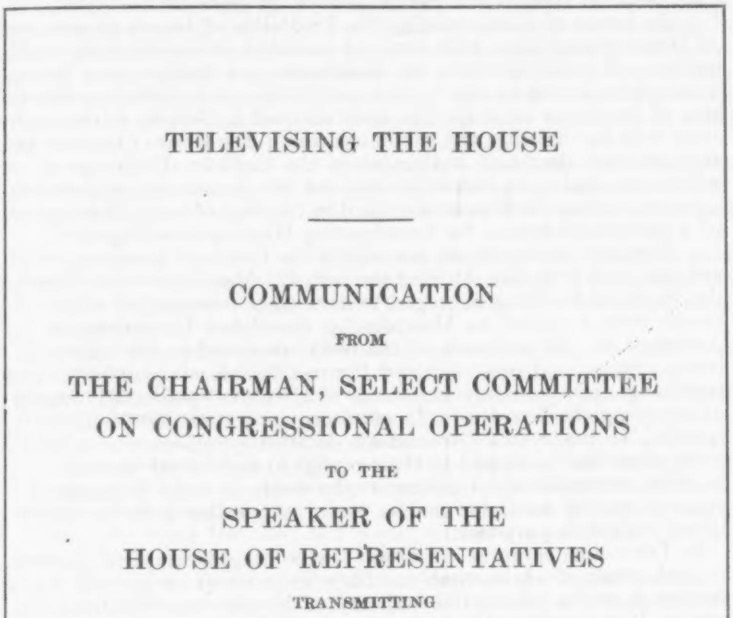
John W. Gorman, Vice President, Cambridge Survey Research/Cambridge Reports, Inc.

Jonathan Moore, Director, Institute of Politics

12:00-1:00 p.m.	LUNCH (Kennedy School Penthouse)

APPENDIX J

95th Congress, 1st Session - - - - - - - - House Document No. 95-231



TELEVISING THE HOUSE

COMMUNICATION

FROM

THE CHAIRMAN, SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

TO THE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

TRANSMITTING

THE REPORT OF THE SELECT COMMITTEE ON THE CONDUCT OF THE 90-DAY TEST OF BROADCAST COVERAGE OF THE DAILY FLOOR PROCEEDINGS OF THE HOUSE, TOGETHER WITH RECOMMENDATIONS FOR THE FUTURE OF BROADCAST COVERAGE

SEPTEMBER 27, 1977.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

II. PRINCIPAL FINDINGS

On the basis of live and recorded television coverage, via closed-circuit, of 90 legislative days of House proceedings and of previous congressional studies, the Select Committee finds that—

1. In terms of demonstrating the feasibility of broadcast coverage of House proceedings, both live and recorded, providing both closed-circuit and public access to the broadcasts, and doing so at a reasonable cost measured by anticipated institutional and public benefits, the test of broadcast coverage has been successful. Despite minor problems with the lighting and sound systems in the House Chamber and the outdated electronic equipment in the Rayburn Building—all of which can readily be corrected—the test has shown that neither technical nor policy considerations stand in the way of early development of a permanent system for broadcasting House proceedings.

2. Member interest in the test and in the future of broadcast coverage has been extensive. During the test, 121 Members [1] with offices in the Rayburn Building arranged to have their personal television sets (none were supplied to Members by the Select Committee or the Architect for the purposes of the test) connected to the master antenna system, and most received the test broadcasts regularly. This represents approximately 72 percent of Members [1] potentially capable of receiving the broadcasts. In addition, more than 150 Members responded to the Select Committee's detailed questionnaire soliciting their views and indicated in their replies to individual questions and in often extensive added comments the desire to make broadcast coverage as widely available and as useful as possible both for institutional and public purposes.

3. Television coverage of House proceedings—complete, uninterrupted, unedited—is inevitable: a large majority of the general public desires it, and a substantial majority of Members of the House support it. It is also desirable, both as a source of public understanding of the process and product of representative government and as a means of improving the operation of that process in the House.

4. Television coverage of House proceedings can serve as a valuable information resource for Members and staff in carrying out their respective functions in the legislative process.

5. When focused exclusively on the official action in the House Chamber—the Members and officials of the House actively participating in the debate and other proceedings of the body—television coverage can provide the most accurate possible record of House proceedings.

6. Similarly, television coverage of House proceedings, when made available to the general public either live by the electronic media or by means of audio and video recordings, can substantially contribute

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[1] This figure has been constantly changing as additional Members arranged for the necessary connections to be made right up to the time of committee approval of this report. At least 10 committee installations have also been made.

to public understanding of the issues being considered by the House and of the process by which legislation is enacted.

7. A substantial majority of the more than 150 Members who responded to the Select Committee's questionnaire seeking their views on the present test and their preferences for future television coverage expressed a strong desire for continued closed-circuit broadcasting of floor proceedings; Members whose offices in the Rayburn Building enabled them to receive the broadcasts directly indicated they generally made considerable use of the broadcasts; Members in the Cannon and Longworth Buildings frequently urged that those buildings be wired to receive the broadcasts at the earliest possible time.

8. A majority of Member respondents also indicated either a desire or a willingness to provide for regular public access to broadcast coverage of House proceedings, though individual Members recommended a variety of conditions.

9. A similar majority of Members expressing a judgment desired that broadcast coverage, both closed-circuit and public, include the complete daily proceedings of the House and not be limited to special events or selected portions or periods.

10. Utilizing advanced state-of-the-art minicameras, similar to those tested by the Select Committee and the Architect, television coverage of the House can be provided unobstrusively, without the need for significant reconstruction of the Chamber, additional personnel, greatly enhanced or otherwise intrusive lighting, bulky equipment, and in a manner which fully protects the decorum and integrity of the House. All but one Member responding to the Select Committee's questionnaire reported they were seldom conscious of the fact that debate was being televised and were neither inconvenienced nor inhibited by the presence of live TV cameras in the House.

11. The same type of advanced minicamera makes it possible to obtain a broadcast quality—if not studio quality—picture, suitable both for closed-circuit and public broadcast purposes, without substantial increases in lighting levels or other changes in the environment of the House Chamber.

12. Appropriately positioned (one camera on each side of the Speaker's rostrum below the press gallery and one camera over the main entrance to the Chamber facing the Speaker's rostrum), a total of three television cameras is adequate to cover the entire area of the House floor. Computer-assisted programing of the cameras can provide approximately 70 preset "shots" (including split-screen pictures) which will cover all positions of the House floor from which Members engage in debate or other official action takes place. This will permit remotely controlled and virtually automatic operation of the cameras and assure uninterrupted coverage of the official debate and proceedings—an objective endorsed by a large majority of Members responding to the Select Committee's questionnaire.

13. Focusing on the official action in the House Chamber, as described above, is essential in order to provide complete, uninterrupted and accurate television coverage of House proceedings. Removing the cameras from the Member(s) participating in debate in order to pan the Chamber and the galleries for color or reaction shots would not only interrupt the continuous coverage of official proceedings, but would distract viewers from the official business of the House without providing

anything in its place of comparable value. Visual interest—to the extent it is a valid objective of a system designed to communicate accurately the official proceedings of an institution—would, however, be maximized by several factors: limitations on the length of time individual Members may speak in the House, the use of a split-screen technique to capture both parts of a colloquy between Members, the computer programable preset camera positions which can quickly and smoothly shift among a wide variety of shots to obtain those which, at any moment, most effectively communicate the action on the floor.

14. The operation, management, and supervision of a system of television coverage of House proceedings should be a responsibility of the House itself and should not be delegated or contracted out to groups outside the Congress. Television must communicate what the House does and how the House does it. The substance and procedure of House floor action should not be dominated or unduly influenced by the medium through which that action reaches the public. As a means of protecting the integrity of the House as a legislative institution, therefore, the House should accept its management responsibility. A substantial majority of Members responding to the Select Committee's questionnaire subscribed to this view and selected either the Speaker or a committee, officer or other organization of the House as the preferred locus of operating responsibility. Only 18 of 150 Members preferred that a network pool provide the coverage.

15. Conversely, House management of a television system need not and should not imply in any way the imposition of editorial control or any form of censorship of the content of televised coverage of House proceedings. A system which provides complete coverage of the daily legislative business of the House and which permits broadcasters either to take live feeds of such coverage or use recordings of the coverage would, by its nature, allow untrammeled exercise of editorial judgment by the users. Complete and unedited coverage of daily legislative activity—and the consequent editorial freedom of broadcasters to use all or any part of the coverage, as their judgment dictates—would only be enhanced by assuring that cameras at all times were focused on the Members and officials actively participating in official floor action.

16. In developing a permanent system for broadcast coverage of House proceedings, two basic options for the closed-circuit portion are available: (a) a one-way distribution system to carry televised proceedings in a single direction over a cable system similar to that in the Rayburn Building which would embrace the House side of the Capitol Building and Members' offices and committee suites in the Cannon and Longworth Buildings; and (b) a system designed to accommodate the future needs of the Congress for the two-way distribution of information (both television and data transmission) between all buildings in the Capitol Hill complex. The two options need not be mutually exclusive so long as the system concept for the latter is established and cabling is installed that will accommodate anticipated future requirements and expansion. The Architect estimates the cost of the one-way system, including replacement of headend equipment (distribution control equipment) in the Rayburn Building, would be $130,000; an additional $197,000 would be required to de-

velop the two-way system in the House. For either system, the cost of television cameras and associated equipment is estimated at $715,000.[2] Conservatively amortized, these capital costs would obligate the House to substantially less than $200,000 a year. Operating and maintenance costs would be minimal. Responses to the Select Committee's questionnaire revealed widespread interest among Members in a variety of additional applications within the House of television and related communications technology.

17. In addition to demonstrating the feasibility of basic broadcast coverage of the House, the test also established the feasibility and desirability of transmitting, simultaneously, supplementary information which would enhance the intelligibility and utility of the broadcasts. Such information includes: yea and nay votes as they are tallied (a feature incorporated in the broadcasts during the test), identification of Members speaking, the title of the bill being debated, a summary of an amendment being considered, the time remaining for debate under the rule, a synopsis of motions as they are offered, etc. A substantial majority of the Members surveyed advocated the inclusion of such information in the broadcasts.

18. The recording, reproduction and distribution of broadcast coverage on audio and video tape for public use and archival purposes would be an essential part of a comprehensive House broadcast system. As an integral part of the overall system, this function could be performed within the House or assigned to a unit of the Library of Congress. Members surveyed by the Select Committee generally preferred that such tapes be available to all, that costs of duplicating tapes be paid by the users, and that production and distribution of the tapes be a responsibility of the House.

19. In addition to live and recorded broadcast coverage of House proceedings, a House broadcast system should include an archival and reference facility for the storage and viewing of recordings. Such a facility should be available to Members and employees of the Congress and to the general public at convenient times and places and be operated under regulations approved by the Speaker.

20. The purposes for which broadcast coverage of House proceedings would be authorized, i.e. meeting the informational needs of the House and the general public, could be compromised by allowing totally unrestricted use of the coverage. Substantial majorities of the Members surveyed by the Select Committee approved the imposition of prohibitions against the use of live or recorded coverage for commercial advertising and political purposes.

---

[2] Cost estimates prepared by the Select Committee staff differ in some respects from those of the Architect. The Select Committee staff recommends improving the present signal distribution system in the Rayburn Building and approximately doubling the Architect's estimate of the number of tap-offs (receptacles for receiving signals) in all three House Office Buildings and the House side of the Capitol at an increased cost of about $200,000. The staff also believes the Architect's cost estimates for cameras (five) and associated equipment could be reduced by about $200,000 by eliminating one camera and certain nonessential ancillary equipment. The bases on which both sets of cost estimates were prepared are included in detail in Chapter VII and Appendixes C and D of this report.

III. RECOMMENDATIONS

Based on its findings—summarized above and described at greater length in the body of this report—the Select Committee recommends that—

1. The Speaker, under his present authority, extend the present test of television coverage of House proceedings through the end of the first session of the 95th Congress so as to assure continued reception of the broadcasts by Members and staffs presently using this service.

2. The House adopt a resolution, prior to the adjournment of the first session of the 95th Congress, authorizing the establishment of a permanent system of television and radio coverage of the daily proceedings of the House of Representatives, including the following specific provisions:

> (*a*) that television and radio coverage of the daily legislative business of the House be complete, continuous, and unedited, subject only to the invoking of Rule XXIX or to the adoption of a specific resolution by the House;
>
> (*b*) that such coverage be made available to Members, officers and committees throughout the House on a closed-circuit basis;
>
> (*c*) that such coverage be made available to the general public at the earliest feasible time both live, through those broadcast stations, networks, services and systems which are accredited by the House Radio-TV Gallery, and by means of recordings;
>
> (*d*) that responsibility for the implementation of broadcast coverage be vested in the Speaker who may delegate all or any part of the operating responsibility to such officer, committee, or other entity of the Congress as may be appropriate; and
>
> (*e*) that the use of broadcast coverage, live or recorded, for political purposes or as part of a commercial advertisement or, except as part of bona fide news and public affairs documentary programs, with commercial sponsorship, be prohibited.

3. Appropriate provisions of the resolution described above be incorporated in the Rules of the House of Representatives.

4. The Speaker request to the Architect of the Capitol to assume responsibility for the development and day-to-day operation of the House broadcast system utilizing remotely controlled and computer programable cameras.

5. The Architect be authorized and directed to begin immediately the procurement of equipment and supplies and the installation of communications lines and associated equipment necessary to improve closed-circuit broadcast reception in the Rayburn Building and to extend such reception to the offices of Members, committees and officers of the House in the Cannon and Longworth Buildings and the House side of the Capitol Building so that a completely functioning system will be in place as close as possible to the convening of the second session of the 95th Congress.

6. The Architect be authorized and directed, in completing the closed-circuit broadcast system, to prepare plans in cooperation with the House Information Systems and other interested groups in the House and Senate, for the development of a two-way distributional communications system designed to meet future congressional information and data transmission needs, including closed-circuit broadcasting, and to assure that the communications lines and associated equipment installed for closed-circuit broadcast purposes be capable of accommodating the requirement of such two-way system.

7. As soon as practicable following the extension of the closed-circuit House broadcast system throughout the House, but no later than the beginning of the 96th Congress, the Speaker or his designee authorize radio and television broadcast stations, networks, and systems accredited by the House Radio-TV Correspondents Gallery to obtain and use broadcast coverage of House proceedings, both live and recorded, subject only to the conditions stipulated in such authorizing resolution as the House may adopt.

8. The Speaker or his designee arrange with an appropriate entity of the House or with the Library of Congress for the recording, reproduction and distribution to the general public by means of audio and video tapes, of the broadcast coverage of House proceedings under such regulation—which should include the establishment of such fees as may be required to cover all costs of reproducing and distributing tape recordings—as the Speaker may approve, and that distribution of such recordings be authorized to begin at such time as public broadcast coverage becomes available.

9. The Speaker or his designee arrange with an appropriate House entity, or the Library of Congress to store, for archival and reference purposes, recordings of broadcast coverage of House proceedings, and to make such recordings available for viewing at convenient times and places by Members and employees of the Congress and the general public under regulations approved by the Speaker.

10. Permanent broadcast coverage of the House be conducted in such a way as to assure uninterrupted focusing of cameras on those Members and officials of the House actively participating in the debates or other official action in the House Chamber and to obtain a complete and accurate record of the official proceedings.

11. The Architect in cooperation with the Select Committee on Congressional Operations continue the development and implementation of means of providing as an integral part of broadcast coverages such supplementary information as was initiated during the test including identification of Members speaking during debate, and summaries or synopses of pending bills, amendments and motions so as to improve the intelligibility and informational value of broadcast coverage for viewers.

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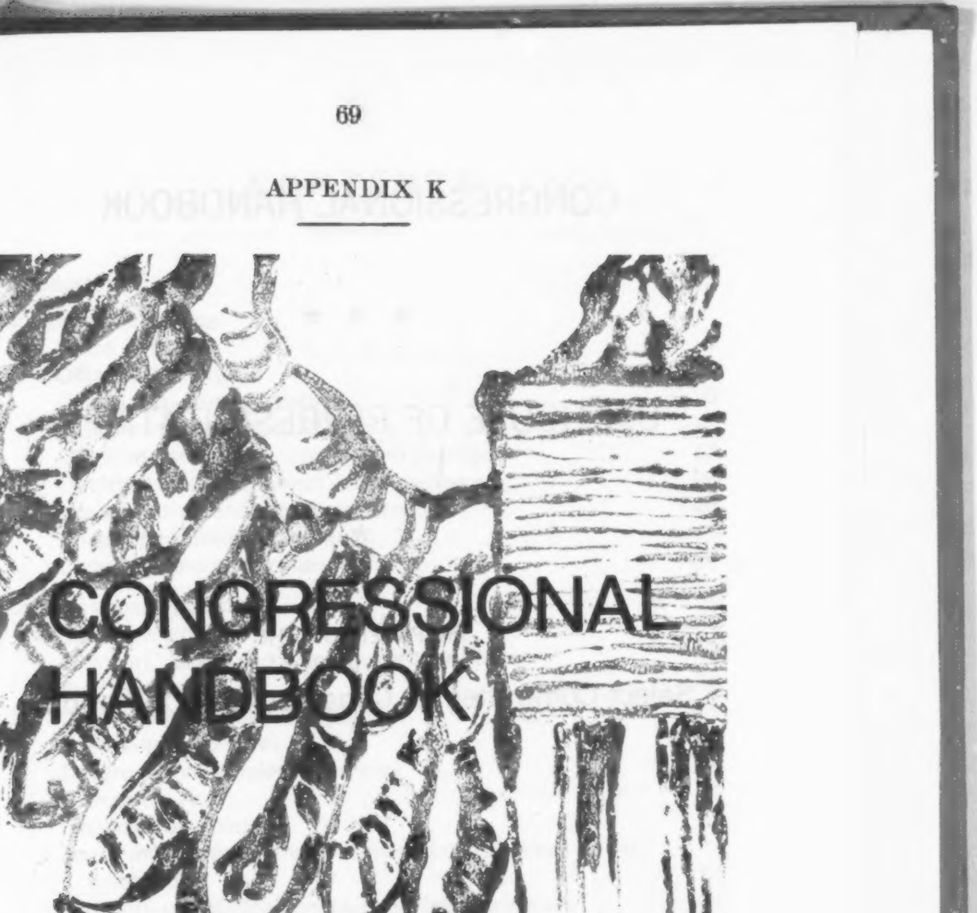
APPENDIX K



CONGRESSIONAL
HANDBOOK

prepared by the
Select Committee on
Congressional Operations

93

CONGRESSIONAL HANDBOOK

★ ★ ★

U.S. HOUSE OF REPRESENTATIVES

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PREPARED BY THE

Select Committee on Congressional Operations

NOVEMBER 1978

Printed for the use of the Select Committee on Congressional Operations

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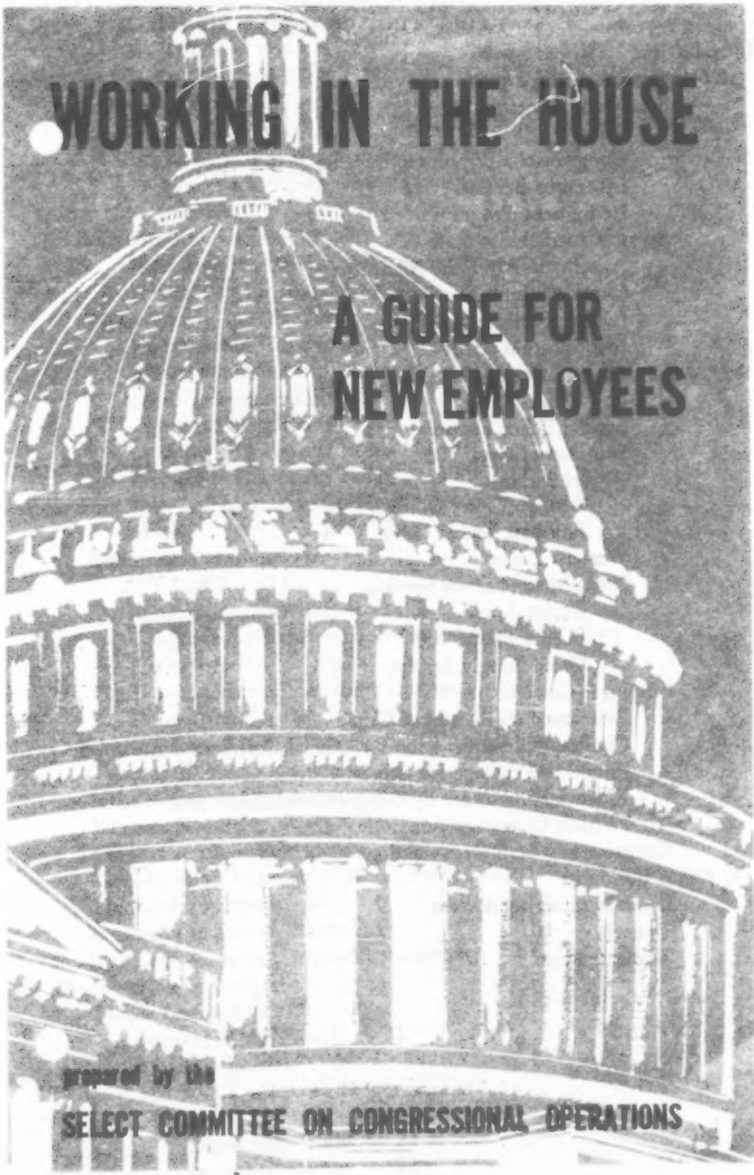

WORKING IN THE HOUSE

A GUIDE FOR NEW EMPLOYEES

prepared by the
SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

Employee Orientation Manual

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REPORT
OF THE
SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS
U.S. HOUSE OF REPRESENTATIVES
PURSUANT TO
HOUSE RESOLUTION 420
NINETY-FIFTH CONGRESS
AND THE
COMMITTEE ON RULES AND ADMINISTRATION
U.S. SENATE
PURSUANT TO
SENATE RULE XXV, (n)(2)
IDENTIFYING
COURT PROCEEDINGS AND ACTIONS OF VITAL INTEREST TO THE CONGRESS

Cumulative to September 15, 1978

Printed for the use of the House Select Committee on Congressional Operations and the Senate Committee on Rules and Administration

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

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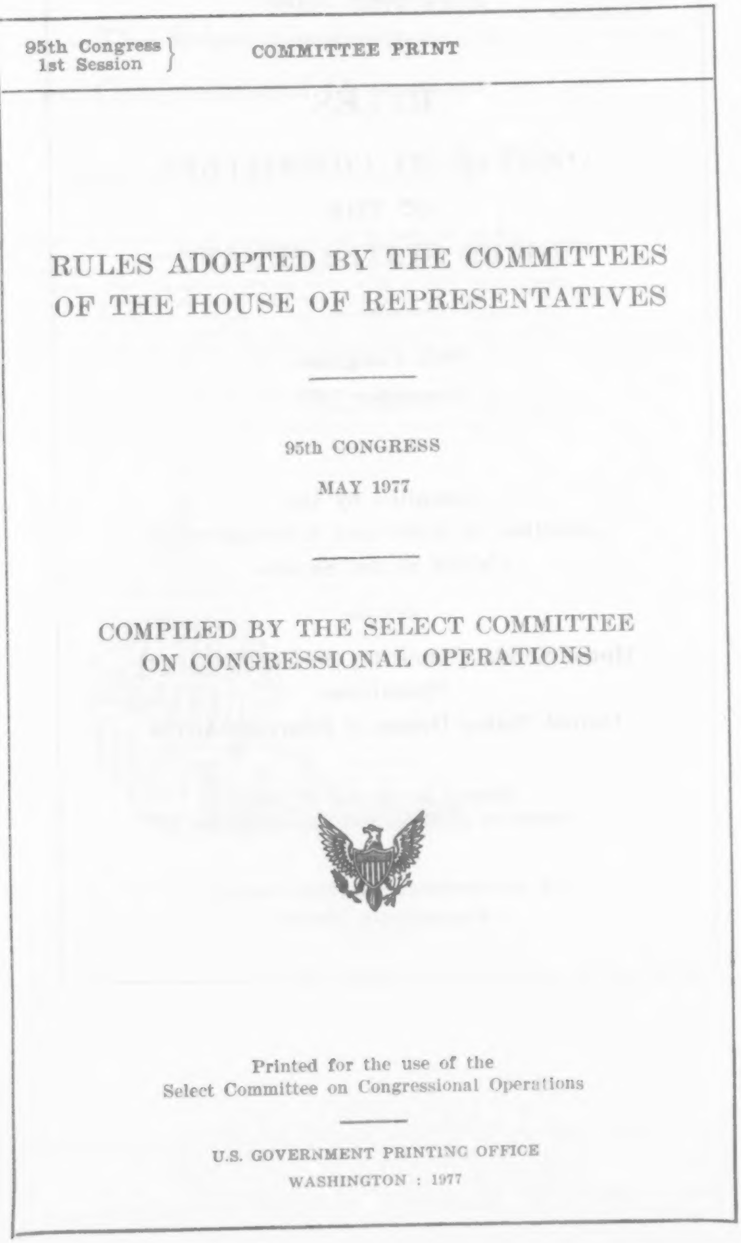

95th Congress }
1st Session }
COMMITTEE PRINT

RULES ADOPTED BY THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES

95th CONGRESS

MAY 1977

COMPILED BY THE SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

Printed for the use of the
Select Committee on Congressional Operations

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

95th Congress }
1st Session }
COMMITTEE PRINT

RULES

ADOPTED BY COMMITTEES
OF THE
UNITED STATES SENATE

95th Congress
November 1977

Compiled by the
Committee on Rules and Administration
United States Senate

and the

House Select Committee on Congressional
Operations
United States House of Representatives

Printed for the use of the
Committee on Rules and Administration

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

APPENDIX O

The Select Committee on Congressional Operations

APPLICANTS FOR PROFESSIONAL POSITIONS

ttached is a listing of qualification factors of recent
pplicants for professional positions. (Excluded are the
ualifications of the numerous candidates who apply for legal
ositions. The Placement Office maintains a file of attorney
pplications which is available for your review and consideration.)
e will be happy to furnish a complete set of the application
ocuments of anyone whom you may wish to consider for employment.
lease call the Placement Office, extension 56731, and request
he application by letter and number.

he usual Placement Office services -- screening, testing, and
eferral of applications and/or appointments with candidates for
ll positions -- can also be requested by telephone.

Jack Brooks, M.C.
Chairman

November, 1978

November, 1978

A. Up to $10,000

A1. Employment interest: Staff Assistant.
Education: M.A., 1978. Chief undergraduate subjects - Political Science, History, and Sociology. Chief graduate subjects - Public Administration, Political Behavior, and Computers.
Skills: Tested typing speed - 37 wpm.
Present residence: College Park, Md.; home State: New Jersey.

A2. Employment interest: Staff Assistant.
Education: M. Ed., 1978. Chief undergraduate subjects - History, Psychology, and English. Chief graduate subjects - Counseling and Theology.
Experience: 1/74-1/75, Youth Adviser for a church.
Skills: Claims limited typing ability.
Present residence: Fairfax, Va.; home State: Virginia.

A3. Employment interest: Staff Assistant.
Education: M.A., 1967. Chief undergraduate subjects - History, Political Science, and English. Chief graduate subjects - International Relations and Law.
Languages: Has a knowledge of French and Spanish.
Experience: 9/67-6/70 and 9/70-Present time, Instructor of Political Science for two colleges.
Publications: Has published articles in the areas of Political Science and Health.
Skills: Does not claim any office machine skills.
Present residence: Silver Spring, Md.; home State: Washington.

A4. Employment interest: Staff Assistant.
Education: M.A., 1977. Chief undergraduate subjects - Data Processing and Principles of Economics. Chief graduate subjects - Administration of Elementary Schools, Supervision of Elementary Schools, and Counseling.
Experience: 9/77-Present time, Substitute Teacher for a public school system at the elementary education level; 11/68-9/70 and 1/71-2/72, Clerk-typist for two Federal agencies; 8/67-8/68, Clerk-typist for a city united planning organization.
Skills: Tested typing speed - 43 wpm.
Present residence: Washington, D.C.; home State: District of Columbia.

A5. Employment interest: Staff Assistant.
Education: M.F.A., 1977. Chief undergraduate subjects - Studio Art and Comparative Literature. Chief graduate subjects - Studio Art and Art History.
Achievements, honors, and awards: Recipient of a teaching assistantship for graduate study.
Languages: Has a knowledge of Greek.
Skills: Claims typing speed - 35 wpm.
Present residence: College Park, Md.; home State: Maryland.

APPENDIX P

Union Calendar No. 943

95th Congress, 2d Session - - - - - - - - - - House Report No. 95-1800

CENTRALIZED STORAGE
FOR THE
U.S. HOUSE OF REPRESENTATIVES

A REPORT
OF THE
SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

NOVEMBER 1, 1978.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1978

CENTRALIZED STORAGE FOR THE HOUSE OF REPRESENTATIVES

INTRODUCTION

The Select Committee on Congressional Operations, in keeping with its obligation to study and recommend ways in which the operations of the Congress can be improved, has completed a 1-year test of the feasibility of providing facilities—away from the immediate Congressional complex—for the storage, accounting, and retrieval of bulk quantities of Congressional publications in the possession of committees and officers of the House.

The test utilized warehouse facilities provided by the General Services Administration at the U.S. Navy Yard, approximately a 10-minute drive from the House side of the Capitol. Transportation and related services were furnished by the Superintendent of Buildings in the Office of the Architect of the Capitol. Participants included the Committee on Government Operations, the Committee on Small Business, and the Doorkeeper of the House of Representatives.

FINDINGS

Despite the limited nature of the test, the Select Committee believes a number of significant conclusions can be supported on the strength of the experience gained in the conduct of the test. Consequently, the Select Committee finds that—

First, participants in the test were uniformly pleased with the results of the test in terms of the effects on their own operations, and all have expressed the desire that the services be continued;

Second, no significant problems, obstacles, or delays were encountered during the course of the test: documents were removed from the premises of the two committees and the Doorkeeper in a timely and orderly fashion; upon request, documents were retrieved from storage expeditiously; complete inventories of all documents in storage were maintained on a current basis;

Third, participation in the test gained substantial benefits for those involved:

Overcrowding was relieved;

Working conditions for staffs were improved;

Economies of staff time in retrieving needed materials were realized;

Records management was improved; and

The need to store publications in office building corridors and other public spaces was eliminated.

Projections based on the experience gained during the test and, specifically, on the benefits to participants summarized above, warrant these additional conclusions:

Fourth, expanded facilities for the centralized storage and retrieval of publications, records, and other materials—presently held by committees and officers of the House in individual storage areas in the Capitol and the House Office Buildings—would produce similar economies of space and time and improved working conditions and records management for all participating committees and officers;

Fifth, for the House as an institution, benefits would exceed the sum of those accruing to individual participants, because—

Substantial prospects exist for the re-use of space in the House Office Buildings presently devoted to storage;

The cost of space in a centralized warehouse facility would be considerably less than equivalent space in present office buildings or in new buildings constructed for office purposes;

The imaginative redesign of some present storage areas in the existing office buildings and the Capitol, and its subsequent re-use for higher priority purposes, would not only relieve overcrowding generally but would reduce pressures for the construction of a fourth House Office Building; and

Effective inventory control would substantially reduce costly overordering and wasteful disposal of publications.

Sixth, the advantages to the House outlined above would be maximized by providing similar centralized storage facilities for the individual Members of the House.

Seventh, the question of providing adequate space for the storage, inventory control, and retrieval of publications and other materials is intimately related to such other matters as the need for improved records management throughout the House, effective space utilization generally, realistic estimates of present and future space requirements in the House, and—ultimately—the optimum size and composition of House staffs required to support the Members and committees of the House.

RECOMMENDATIONS

Based on the findings from the present test project, summarized above, and on extensive related experience, the Select Committee recommends the following:

First, that the Architect of the Capitol be directed by the appropriate House authorities, including the House Office Building Commission, to prepare one or more detailed plans for the construction of an automated warehouse facility designed to provide for the storage, inventory, and retrieval of publications, supplies, records, equipment, and other materials under the control of Members, committees, and officers of the House. Such plans should include an assessment of available sites within close proximity to House Office Buildings, an evaluation of alternative methods of transporting materials in the most expeditious way to and from the warehouse facility, a review of computer systems capable of providing effective inventory control, an analysis of the potential for redeveloping space in the Capitol and House Office Buildings now used for storage purposes, together with an estimate of the costs of each plan or option.

Second, pending the preparation and consideration of such plans, the Architect of the Capitol should, after obtaining whatever additional authority or funds may be necessary, undertake to continue on an expanded basis the present test of centralized storage facilities, utilizing the present or similar warehouse structure, providing the storage-inventory-retrieval service to a selected group of committees and Members for a period of not less than a year, and employing for purposes of inventory control, the use of appropriate automated data processing equipment. Following the conclusion of the first year of such an expanded test, the Architect should submit a report to the House Office Building Commission, the Committee on House Administration, and the Legislative Appropriations Subcommittee.

APPENDIX Q

[COMMITTEE PRINT]

INFORMATION ON MICROGRAPHICS FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES

COMMITTEE ON HOUSE ADMINISTRATION AND THE SELECT COMMITTEE ON CONGRESSIONAL OPERATIONS

November 1, 1978

U.S. GOVERNMENT PRINTING OFFICE, WASHINGTON: 1978

EXECUTIVE SUMMARY

Introduction

In a joint effort the Select Committee on Congressional Operations and the House Information Systems (H.I.S.) staff of the Committee on House Administration have completed a 4-month demonstration project designed to test the feasibility of utilizing micrographics technology in certain operations of Congressional offices.

The offices of eight Members of Congress participated in the project. The micrographic format used was microfiche (commonly referred ot as 'fiche') which consists of up to 98 miniaturized reproductions of pages of printed material on heavy duty film approximately 4 x 6 inches. This technology permits a small volume of film to replace substantially larger volumes of files and publications, and thus has a considerable space-saving potential. The microfiche form was chosen over other micrographic media, such as microfilm, because of its adaptability to common methods of filing and retrieving (no external indices are required), because of the availability of published material in microfiche form, and because the readers are less expensive and cumbersome. Microfiche reader/printers display the filmed material on a screen and reproduce it, when desirable, in hard copy.

Specific objectives of the test were to determine:

—What kinds of files, publications, and other printed matter regularly referenced by Congressional offices could usefully be reduced to microfiche.

—How much office space could be saved, or better utilized, by storing such materials on fiche rather than hard copy;

—How effectively fiche, as compared to hard copy, could be used by staff employees;

—How efficiently fiche could be produced from a central processing facility to meet the needs of participating offices; and

—What problems might be anticipated in any program designed to expand the use of microfiche in Congressional offices.

Participating offices were equipped with a variety of models of microfiche readers and reader/printers with which to use the fiche. Each office was regularly furnished fiche copies of the daily *Congressional Record*, Congressional Research Service (CRS) Issue Briefs, and reported bills and associated committee reports. In addition, three offices elected to reproduce a number of correspondence files on fiche, and one office used fiche for its reference files. Offices were also offered fiche copies of General Accounting Office (GAO) reports and decisions, and bills of special interest to the Member.

The Select Committee and H.I.S. established a micrographics center in House Office Building Annex 1 (staffed by temporary employees) for transferring correspondence and reference files to microfiche. Arrangements were made with the Photoduplication Service of the Library of Congress to film the *Congressional Record* and the bills and reports. Microfiche copies of CRS Issue Briefs and GAO reports were already available from the respective agencies.

Participants were encouraged to make full use of the equipment and microfiche and to integrate the new technology into their day-to-day routines as much as possible. Manufacturers' representatives installed the reader/printers, instructed office staffs in the use of the machines, and maintained the equipment. Select Committee and H.I.S. personnel, trained in the operation of all the models in use, assisted offices that experienced problems or had questions. Prior to the start of the test, manufacturers provided equipment demonstrations and H.I.S. presented a lecture on micrographics for participating office staffs.

In addition to monitoring the progress of the test, Select Committee and H.I.S. staff interviewed appropriate employees in participating offices at the conclusion of the test period to obtain information about office use of and experience with micrographics and to solicit their evaluation of the test project. A separate technical evaluation was conducted by the consulting firm of Eagle & Nair under contract to the Congressional Research Service: Section II of their report relates to micrographic applications in the House and is included in Attachment A.

CONCLUSIONS

1. Micrographics in general and microfiche in particular have considerable potential in a Congressional office environment and there is sufficient interest in and recognition of the potential advantages of micrographics on the part of Member offices to justify expanded use of the technology within the House.
2. As with most new information technology applied in a Congressional setting, maximum benefits and cost effectiveness can only be achieved if users are thoroughly familiar with micrographics' potential and limitations, adequately trained in the use of specific forms of the technology (such as microfiche) and its associated equipment, and personally committed to its full implementation in the daily office routine.

3. The introduction of micrographics into Members' office operations should be accomplished gradually, on an office-by-office basis, and only to the extent that adequate support facilities are available for training of personnel, for advising Member offices on how best to integrate microfiche into their daily operations, for producing microfiche on a reliable daily schedule, and for providing and maintaining equipment.
4. The selection of materials in Member offices that are to be converted to microfiche form should be based on a careful survey of Members' needs as determined by frequency and regularity of use in order to insure reasonable cost effectiveness.
5. Materials currently published in hard copy form that represent a significant portion of the storage requirements of Member offices (e.g., the *Congressional Record*, the *Federal Register*, bills and reports) would be used in fiche form by Member office staffs if available; however, they must be made available on a timely basis and at no additional cost to the Members.

RECOMMENDATIONS

1. Encourage the use of published material in microfiche form.
2. Select and place on the approved list a limited number of microfiche reader/printers and readers, and explore the possibility of quantity purchases to obtain a better price.
3. Direct the Joint Committee on Printing to determine the feasibility and cost of producing on microfiche the daily *Congressional Record*, the *Federal Register*, bills, committee reports, and other widely used documents on a schedule which would meet the needs of Members for current and timely information.
4. Direct other Legislative Branch units, such as the Library of Congress and the General Accounting Office, to determine which of their products now furnished to the Congress could suitably be produced on microfiche.
5. Provide a micrographics service to Members for the conversion of paper files to microfiche; provide both standard and updateable fiche conversion in such a manner as to insure the security and integrity of Members' files.
6. Include House personnel in the total micrographics service who can provide, on a continuing basis training and consultation for Member office staffs in the efficient use of micrographics in individual Member offices.
7. Evaluate technological advances in micrographics and their application to Member and other House offices on a continuing basis.

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